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# THE TIMES

MEDIA  
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40p

Experts suspect pilot error

## Crash Airbus 'programmed to fly too low'

By HARVEY ELLIOTT, AIR CORRESPONDENT, AND OUR FOREIGN STAFF

THE pilots of an Airbus jet that crashed into a French mountain killing 87 people probably programmed the aircraft to fly too low.

As a five-man commission began its enquiry into Monday night's accident, safety experts tried to recreate on simulators the last minutes of the Air Inter flight from Lyons to Strasbourg. Their efforts suggest that the A320's fly-by-wire computer technology was not to blame.

Nine people — including children aged 13 months and nine and a flight attendant — were in hospital yesterday after a rescue operation described by one survivor as a shambles. Some who escaped from the aircraft are thought to have frozen to death waiting for help.

All the survivors had been in the rear of the jet, which disappeared from radar

screens at 7.20pm on Monday. They were found nearly five hours later, huddled round burning fuselages.

The rescue organisation was a shambles, a survivor said from his hospital bed yesterday, while Marc Frey, a glazier from the nearby village of Barr who was the first to find the wreckage, said it had taken medical services an hour to reach the spot after he alerted paramilitary gendarmes, who were not equipped to move the injured.

One of the wounded had bandaged himself to try to stop bleeding. He died waiting to be rescued.

Yesterday, about a thousand rescuers continued to comb the crash site on Mont Sainte-Odile in temperatures of 14°F (-10°C), but they held no hope of finding anyone alive. Police and soldiers meanwhile recovered bodies from the wreckage and took them to a makeshift chapel in an assembly hall at Barr. But one policeman said: "There are those who will never recover their loved ones."

Investigators have found the aircraft's two flight recorders and these have been sent to Paris. France's transport minister, Paul Quilès, said a commission of enquiry would produce an initial report within a month.

The pilot, Christian Hequet, said his co-pilot had 14,000 hours of flying experience between them, but had only recently transferred from flying Caravelles to the Airbus. The crashed jet, which went into service in 1988, had had a maintenance check on Monday morning.

Computers are capable of operating all flight controls on the Airbus, other than altitude, but David Velupillai of the manufacturer, Airbus Industrie, said: "If you program it to fly into a mountain, it will." The aircraft was programmed to fly outside of its built-in "safety envelope", but it cannot tell the pilot that he is heading for a mountain until a few seconds before

impact, when lights and buzzers alert him that he is close to the ground.

The Air Inter jet should have been at about 9,000 ft as it approached Strasbourg airport. The minimum altitude for any aircraft in that area is 4,700 ft, but the Airbus crashed into the mountain-side at no more than 2,500 ft. Experts working on simulators yesterday believe that the pilot may have thought he was nearer the runway than he was, and pushed the "open descent" button that would take the aircraft to a pre-programmed altitude. Otherwise, he might have forgotten about the peaks and programmed a "normal descent" putting him on a crash course.

Jean-Paul Maurel, general secretary of the French pilots' union, said the aircraft had been on a normal approach path, well above the Vosges peaks when it suddenly plunged and hit the ground in less than a minute. Pierre Cote, a survivor, said: "I thought we had hit another plane on the runway because we thought we were landing. There was no warning, no sign of trouble. We simply broke up in the trees."

There was a lot of noise and flames. I grabbed the boy next to me and went out through a hole in the plane into the snow. We kept warm by the fires that were going. We heard some moaning, people calling for help, but we couldn't locate them.

Another survivor, Nicolas Skourias, said he and others walked about 150 yards from the plane and waited for two hours, fearing an explosion. "We were freezing. We were too scared to go back and look for blankets. Then we decided that it would be too stupid to survive a plane crash and freeze to death, so we returned to the plane."

Three Airbus 320s have crashed since the aircraft came into service four years ago. In both previous cases, pilot error was blamed.

Survivors' ordeal, page 9



Rescuers carrying a survivor from the wreckage of the French Airbus. "The rescue organisation was a shambles," one passenger said

## Gorbachev phone calls revealed by KGB log

Moscow News reveals Mr Gorbachev's secret talks with the plotters, reports Mary Dejevsky

HOW much did Mikhail Gorbachev really know about the August coup? He has said that he knew nothing. But previously unknown telephone calls on the eve of the coup, all logged by KGB agents, suggest a different story.

Mr Gorbachev says that the day of August 18 (the day before the coup) began normally at his Crimean villa at Foros: sea, rest and work. There were a few telephone calls. He talked to Gennadi Yanayev, the vice-president, to the first secretary of the Ukrainian Communist party and to the president of the scientific industrial league.

According to Mr Gorbachev in his book on the coup, they discussed "current business" — and he is telling the truth. Moscow News has the evidence in the duty records of the KGB government communications directorate, which logged the calls of senior officials and listened to them. Mr Gorbachev's conversations on that day for some reason, went through the normal city telephone network, even though senior

Continued on page 20, col 2

## Coal jewel threatened as 1,300 jobs are axed

By PETER DAVENPORT

NEARLY 1,300 jobs are to go at four of the most modern pits in the Yorkshire coalfield. British Coal briefed union leaders yesterday and last night the decision caused anger among miners, with accusations of betrayal and allegations that they were a preparation for the privatisation of the industry.

Miners at the collieries involved are to be officially told of the losses at pit-top meetings today. British Coal officials insisted that the cuts were necessary to streamline the industry so that it would remain competitive in an increasingly tight market.

Although no official figures for the number of jobs to go will be given until today, it was reliably reported last night that it will mean 1,300 men will be handing in their helmets.

Coalfield sources said that 450 men were to go from the 1,610 workforce at Kellingley colliery, the largest in Britain, 250 from the 900 men at the Prince of Wales pit at Pontefract, 350 from Sharlston, near Wakefield, about a third of the present number, and a further 300 of the 495 miners at the Whitmoor pit in the

new, £1.4 billion Selby complex, once the jewel in the crown of the industry.

Details of the losses were given to union leaders at the quarterly review meeting at the headquarters of the British Coal's North Yorkshire group at Allerton Bywater, near Castleford. They should have remained confidential until today's pit-head meetings but the details leaked out.

Mining unions had been expecting bad news since before Christmas, but the reaction at the pits was instant and angry. One man accused British Coal of betrayal. "There are many young men here, tempted to the pit by British Coal, who are mortgaged up to the hilt, and then this happens," he said. "We have been kicked in the teeth."

Ken Capstick, vice-president of the Yorkshire NUM, accused British Coal of butchering the industry and leaving it at the mercy of foreign imports. William O'Brien, the Labour MP whose Northampton constituency takes in Sharlston colliery, said the knock-on effects of the losses would result in a total of

2,500 jobs disappearing.

Alan Houghton, the group director for the Selby complex, said last night: "The streamlining is essential if the pits are to remain competitive. The contracts with the electricity generators expire in March next year, and our policy is to make the Selby group strong enough to claim a major market share with the new contracts come into force."

It is not clear what the future now holds for Whitmoor, one of the five new pits in the Selby complex which has faced unexpectedly difficult and expensive geological problems. It has only been in operation for four years and there have been rumours it might close altogether.

It is intended that all the jobs will go by voluntary redundancy and miners are being offered a £10,000 bonus if they finish before the end of March.

US job cuts, page 23

## Truce in Georgia

Forces loyal to the president of Georgia, Zviad Gamsakhurdia, yesterday agreed a truce with troops of the government that toppled him, agreeing to lay down weapons and arrange further peace talks.

Last night it was not certain that the ceasefire, arranged in an area backing Mr Gamsakhurdia's attempt to regain power, will hold. Page 10

## Officer knifed

Ian Fowler, aged 46, who knifed a man in the face during a row over the fallen daughter of John Cordle, a former Tory MP, was sent to prison for a year for wounding. Lt-Col Francis Gibbon, of the Royal Regiment of Artillery, Page 3

## Dirty ruling

The European Court declared that Britain has failed to bring drinking water up to EC standards by failing to implement a 1980 directive on time and failing to meet stringent EC rules for levels of nitrates. Page 2

TODAY IN THE TIMES  
SO LOYAL

Hillary Clinton, wife of the US Democratic front runner, is fighting to save her husband's reputation. Page 14

SO TRUE

Historians sneered at a film in which Tchaikovsky (Richard Chamberlain) committed suicide — yet it did happen. Art and reality. Page 12

SO YOUNG

Emma Carrick-Anderson, aged 16, has been chosen to ski for Britain at the Winter Olympics next month. Page 38

## Driver's death takes bomb toll to eight

By EDWARD GORMAN, IRELAND CORRESPONDENT

THE driver of the minibus carrying construction workers blown up by the IRA in Cookstown, Co Tyrone, on Friday died of his wounds yesterday, bringing the total deaths in the bombing to eight.

The death of Oswald Gilchrist, aged 44, of Magherafelt, Co Londonderry, came as hundreds of workers gathered to protest against the attack. At a rally in Cookstown, Terry Carlin, Northern Ireland officer of the Irish Congress of Trades Unions, said that everyone had a right to life and to work.

Meanwhile, Peter Brooke, the Northern Ireland secretary, returned to the province after his offer to resign on Monday over his appearance on an Irish television chat show hours after the bomb-

ing. Richard Needham, economy minister at Stormont, said that Mr Major had been right not to accept the resignation.

However, some unionists, led by Ian Paisley, leader of the Democratic Unionist Party, have labelled Mr Brooke a lame duck and claim that he has irretrievably lost the confidence of Protestants.

Mr Major surprised MPs yesterday by failing to give unequivocal backing to maintaining the 1985 Anglo-Irish agreement (Robin Oakley writes). Meanwhile, it emerged that the government has not ruled out the reintroduction of internment.

Paddy Ashdown, the Lib-Continued on page 20, col 6

British policy options and Gay Byrne profile, page 2

## Day 244, and the £3m trial is almost over

By FRANCES GIBB, LEGAL CORRESPONDENT

THE wheels of justice grind slowly by tradition, but the fraud case drawing to a close this week at Nottingham crown court will break records for a criminal trial in England and Wales. Margaret Thatcher was still at No 10, Mikhail Gorbachev was still in power and, although Saddam Hussein had invaded Kuwait, the Gulf war was months away when the trial began in September 1990. Today, in its 244th day, those involved could be forgiven for breathing a huge sigh of relief, knowing that their ordeal is all but over. They are also likely to be congratulated by the judge for enduring such a marathon.

The trial, which involves 27 charges of fraud, theft and obtaining monies by false deception, has been running for 16 months. It is estimat-

ed to have cost £3 million and has been so long because of its complexity, the sheer volume of evidence and the huge number of witnesses.

For the jury, the 15 or so lawyers involved, and the judge, Mr Justice Potter, the trial has become a way of life. One QC has rented a flat, others stay in hotels. They have taken off only 36 working days since the trial began on September 10, for holiday or illness of one of the defendants. The judge is summing up and the jury is expected to retire at the end of this week. By the time it brings its verdict, the trial will probably have clocked up nearly 17 months.

The prosecution arises over the proposed development of a theme park at Britannia Park, Ilkeston, Derbyshire. Five defendants have been charged with various offences relating to £4.5 million of the funds for developing the park. The trial has

engendered some remarkable statistics. There have been 509 statements taken from 375 witnesses, producing a total of 5,000 pages. There are 2,275 documentary exhibits, running to 14,000 pages. Witnesses have come from throughout the country, and from Saudi Arabia, Jersey, the United States, Belgium and Cyprus.

The jury, which has gone the distance with only one member dropping out, has coped remarkably well, by all accounts, aided by individual computer screens on which each item of evidence has been displayed, avoiding the need for waiting while each thumb through bundles to locate the relevant page.

The initial complaint was made to police in July 1986. A team was set up in October 1986, and arrests were made in September 1988. There were four preliminary hearings, in July 1989, and February, June and July

1990. The case was sent direct to the crown court.

Despite the length of time of the hearing, it has taken place largely out of the public eye, with minimal press coverage, although Lord Lane, Lord Chief Justice, in his speech at the Mansion House last July, warned of the growing incidence of "mega trials" and in particular alluded to the Nottingham trial, which by the time it was finished would have "occupied Mr Justice Mark Potter for a year or more".

With the royal commission on criminal justice now sitting, the trial is certain to refuel the debate on whether juries should be kept for long fraud trials or whether, as Lord Roskill's committee proposed, they should be heard by a tribunal of a judge with two lay assessors.

Leading article, page 15

## Life of Picasso wins Whitbread award

By DANIEL JOHNSON, LITERARY EDITOR

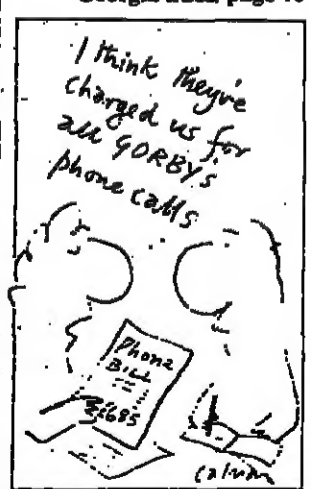
JOHN Richardson's *Life of Picasso* last night became the 1991 Whitbread Book of the Year. The author collected a cheque for £20,500 at a banquet in the City of London.

Unlike the longer-established Booker Prize, which is restricted to novels, the Whitbread Book of the Year is chosen from among the £2,000 winners of each of five categories: novels, first novels, children's novels, biographies and poetry.

Nicholas Mosley, one of the judges, who resigned from the Booker Prize judges last year, said afterwards that there had been "no acrimony" among the celebrity panel for the Whitbread.

The other four 1991 finalists were: *Queen of the Tambourine*, novel, by Jane Gardam; *Alma Cogan*, first novel, by Gordon Burn; *Harvey Angell*, children's novel, by Diana Hendry; *The Life of Picasso* by John Richardson; and *Gorse Fires*, poetry, by Michael Longley.

The first volume of John Richardson's long-awaited four-volume biography of Picasso was the favourite to win. It has received widespread praise and promises to supplant Roland Penrose's life as the standard work.



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# Why Britain balks at Ulster's 'inevitable' solution

In the last of a series examining possible answers to the Northern Ireland question, Edward Gorman considers the likelihood of a British withdrawal

GOVERNMENT political policy on Northern Ireland since the beginning of the modern troubles has been an abject failure. A fundamentally unchanged approach has crashed and crashed again.

Britain has become trapped in a mono-dimensional strategy, hemmed in by political, emotional and historical constraints, which has done nothing but perpetuate stalemate and misery.

Many people believe Britain will eventually leave Ireland — something it has subconsciously long wanted to do — and argue that the government should show the courage to face this reality sooner rather than later.

The present government will have no truck with this since it believes to do so is to encourage Republican violence. But this in some respects is itself allowing violence to influence and control political debate.

Withdrawal does not necessarily have to end in a Republican "victory" or, for that matter, a bloodbath. It may well have the opposite effect and bring to an end the uncertainty on which killers feed.

Withdrawal would undoubtedly be welcomed in Britain. Opinion polls have demonstrated for more than a decade

that a clear majority has lost patience with intransigence in Northern Ireland and with what it sees as the wasteful loss of soldiers' lives. The most recent found that 61 per cent favoured a withdrawal.

Many people clearly do not accept that Northern Ireland should be anything other than a legitimate part of a unified Irish state. If, as many believe, Britain's exit from Ireland is an historical inevitability, what is the justification for delay?

Withdrawal has immediate benefits from an exclusively British point of view. It would put an end to the loss of British lives in Northern Ireland, Britain and in Europe and save the £2 billion spent each year to keep Ulster afloat. It would also bring an end to the embarrassment of human rights abuses and corruptions of the legal system which the struggle to fight a war within a civil society has forced on Britain. It would also make strategic sense because there is no longer any need for a British-led Nato presence

on the western side of the Irish Sea. Control of the western approaches can now be exercised from Scotland.

In addition there seems to be no prospect of Britain ever defeating the IRA and, in spite of occasional claims to the contrary, no prospect of the IRA giving up.

The main problem with withdrawal has always been fear of the consequences — in particular that Britain would leave a vacuum that would be filled by a civil war more destructive than anything seen in the past 22 years.

For this reason, among others, present policy envisages a withdrawal only by agreement with all concerned. But it is likely that this consensus will not come of its own accord within at least the next 50 years. Probably the only way Britain could secure the conditions to leave would be by galvanising Protestant opinion, in particular, through an irreversible declaration of intent to leave. The

bloodbath scenario, with a possible violent reparation, is likely only if Britain withdraws without warning and literally overnight. In reality a withdrawal would be phased over years, giving ample scope for all sides to find ways of avoiding warfare and to make acceptable new arrangements. Those might range from a unitary state, through devolution within Ireland and various federal models, to an attempt at independence or repatriation, creating a smaller Protestant "statelet".

It is worth noting that the only comprehensive study of the actual mechanisms of a British withdrawal (Rowthorn & Wayne 1988) concluded that Protestants would not fight once it had become clear to them that Britain was leaving and would not reverse the decision.

Why is Britain not pursuing this policy? Successful governments have allowed policy to become paralysed by the democratic argument that they would do nothing without the consent of the Protestant majority in Northern Ireland. Governments have always been responsive to acute concern in Dublin and among nationalists in Northern Ireland about the consequences of a

withdrawal should it be mishandled. Labour plans more openly for eventual disengagement, but has shown no inclination to advocate withdrawal without prior consent from all main players.

Two additional factors are often overlooked. The first is that British governments have consistently avoided doing anything dramatic about Ireland and have sought to contain the problem and solve it within existing constraints — an approach that has failed. The second point is that no prime minister is likely to voluntarily adopt a policy that would let the Irish Question dominate his or her term at Number 10.

Writing in the *New Statesman* 20 years ago, Paul Johnson made an observation which the passage of time has done little to discredit. "In Ireland over the centuries we have tried every possible formula," he wrote. "Direct rule, indirect rule, genocide, apartheid, puppet parliaments, real parliaments, martial law, civil law, colonisation, land reform and partition. Nothing has worked. The only solution we have not tried is absolute and unconditional withdrawal."

Eighth man dies, page 1

## TV host apologises for Brooke debacle

By Edward Gorman, Ireland Correspondent

GAY Byrne opened his daily radio show yesterday by telling his one million listeners that he wanted to apologise unreservedly for any offence caused during an appearance by Peter Brooke, the Northern Ireland secretary, on his television show last Friday.

It was Mr Byrne who persuaded, even cajoled, Mr Brooke into singing on RTE's *Late, Late Show*, just hours after seven Protestant workmen were killed by an IRA bomb in Co Tyrone.

Mr Byrne said it was untrue that he had no regrets about his role. He praised Mr Brooke for apologising in the House of Commons. "I have no difficulty or hesitation whatsoever," he said, "in associating myself with that apology, absolutely, unreservedly, and in expressing regret to anybody in the north of Ireland who might have been offended by anything he did, or we did, or I did."

Mr Byrne said that, with hindsight, he believed it would have been better for Mr Brooke not to have appeared on the show, once news of the bombing came through, but that his "inmate good manners and courtesy" prevented him from going back on his word.

Mr Byrne, aged 57, from a working class Dublin background, and the father of two adopted daughters, has been a central figure in Ireland for 30 years. There is no one in Britain who has achieved through the media the kind of prominence he enjoys in Ireland, and he has a great power to influence. According to Ireland's *Who's Who*, this "grey-haired man with fox terrier looks and a quiet but forceful personality ...

exerts more influence and controls more power than almost any politician or public figure in the country".

His critics say that this has engendered an occasional arrogance and forcefulness which perhaps lay behind the debacle with Mr Brooke. They also charge him with being condescending,

smarmy and occasionally insensitive — again evident in the Brooke appearance, when he asked bluntly about Mr Brooke's first wife, who died some years ago.

He can, however, also be warm and compassionate and is always a great entertainer, always in control of his audience, and has somehow managed to remain interesting to his public for three decades.

"Gaybo", as he is known, has always been unstinting in his condemnation of the IRA and of the bigotry and hatred which have fuelled the troubles. Like many liberal-minded Dubliners, he has no particular interest in a united Ireland, or distrust of Britain.



Byrne: cajoled minister into singing on show

## Agent's life at risk if supergun hearing is televised, MPs told

By Sheila Gunn, Political Correspondent

A MINISTER has warned MPs investigating the Iraqi supergun affair that they will endanger the life of a British military intelligence agent if they insist on questioning him today in front of television cameras.

A serious dispute broke out among MPs on the Commons trade and industry committee yesterday after Alan Clark, the defence procurement minister, begged them privately not to go ahead with a full, televised interrogation of Bill Weir.

Mr Weir has been mentioned in the enquiry by executives of Walter Somers, the firm that built giant tubes for the supergun, as a Ministry of Defence contact. The executives said that the Tory MP

Sir Hal Miller gave them Mr Weir's name and telephone number in the "spooks" department to get official clearance for the contract.

The ministry agreed to allow Mr Weir to appear today providing that pictures of the hearing were not "flashed around the world" on television screens, according to a Westminster source.

Mr Weir is described as a materials scientist, although the committee MPs regard Mr Clark's warning as confirmation that he is a senior intelligence officer who vets sensitive contracts.

The latest twist in the bizarre affair has provoked the first challenge to the decision

to televise select committees. The broadcasting supervisor, John Grist, annoyed the television companies and the committee chairman, Kenneth Warren, by rejecting their compromise agreement to televise the hearing but show only the back of Mr Weir's head.

Mr Grist went directly to Bernard Weatherill, the Speaker, who apparently ruled out the compromise and advised the committee to decide simply whether to hold the hearing in private or public. The broadcasting rules are not regarded as wide enough to sanction anything else. It is also unclear whether the press, public and radio stations could be allowed in if the cameras were kept out.

When Mr Warren reported to his committee, MPs could not agree. After a private meeting with Alan Clark, they still could not decide and will hold another meeting this morning before telling Mr Weir whether or not the session will be televised.

Mr Weir was briefly filmed next to the alleged supergun when he was a member of the United Nations team sent to Iraq to report on Saddam Hussein's nuclear and chemical capability. According to one committee MP, Mr Clark argued that there was a difference between a six-second shot and a full televised hearing.

The latest hurdle in the MPs' enquiry confirms their belief that all paths lead back to the role played in the contracts by Sir Hal and British intelligence. Sir Hal, MP for Bromsgrove, has twice refused to appear before the committee to explain why he acted as the conduit between Walter Somers and the defence ministry.

The committee is expected to decide later today whether to make a special report asking the Commons to order Sir Hal to give evidence.

## Iraqi arms end up as museum pieces

By Michael Evans, Defence Correspondent

THE Iraqi supergun parts, now at the centre of a Commons trade and industry committee enquiry, have been lying in an RAF hangar in the Midlands since being impounded two years ago. They are likely to end up as military exhibits in a museum.

The eight steel pipes were seized at Teesside docks in April 1990 by customs officers who claimed that they were parts for a giant gun which could be capable of firing nuclear or chemical shells hundreds of miles.

Sheffield Forgemasters, a company involved in making the steel pipes, insisted they were for Iraq's petrochemical industry. Directors of the firm were arrested but no charges were brought. Two weeks ago customs applied to the High Court for a condemnation order which would allow them to destroy the pipes.

The order was granted. During the court hearing, an Iraqi official was present. The court decision meant that the owners of the supergun parts, the Iraqi industry ministry which had paid for the steel pipes, no longer had any legal right to them.

Today defence ministry officials will be giving evidence to the Commons select committee about what they knew of Iraq's plans to build superguns. Last week Dr Christopher Cowley, the British metallurgist who used to work with the late Gerald Bull, the Canadian-born designer of the supergun, claimed that the Israeli Mossad organisation had killed Dr Bull in his Brussels flat with the British government's connivance.

## Court finds Britain guilty of water failure

FROM GEORGE BROCK IN BRUSSELS

THE government lost the latest round of its long fight with the European Commission over water purity yesterday when the European Court declared that Britain has failed to bring drinking water up to EC standards.

The court's advocate-general, Carl Otto Lenz, found that Britain had not implemented a 1980 water directive on time and failed to ensure that drinking water met stringent EC rules for maximum levels of nitrates. Mr Lenz's opinion is not the court's last word: final judgment will be given in about two months but the

court normally follows its senior official's advice.

Michael Heseltine, the environment secretary, who was visiting EC officials in Brussels yesterday would not comment on the court's view, which he said that he had not seen. Adding that the legal action had not come up in his discussions with Carlo Ripa di Meana, the EC environment commissioner. Mr Heseltine said that they had agreed that officials would meet to try to cool the argument between Britain and the commission over seven major construction projects which

Signor Ripa di Meana attempted to stop last year.

Yesterday's court opinion on tap water is the first time in Britain's 20-year membership of the community that it has been found guilty of disobeying environmental laws. Britain is the second EC state to be condemned: Belgium lost a court case over lead levels in drinking water two years ago. Every member state except Portugal faces EC commission prosecutions over drinking and bathing water. Portugal escapes because it is not required to meet EC rules until 1993.

Britain faces an additional prosecution over whether the government can exempt privatised water companies from deadlines for meeting EC standards.

The case is more a clash of wills between London and Brussels than a dispute about health risk. Britain does not dispute that water in 28 areas, supplied to around 800,000 people in East Anglia, exceeds the EC limit of 50mg of nitrates per litre. British law requires the same safety level but the argument between successive EC commissioners and British envi-

ronment ministers' has been about how much time newly privatised British water companies should be allowed to improve purification.

High levels of nitrate occur in eastern England because of the heavy use of fertilisers on relatively dry soil. Two years ago, the government, worried that court action would lower the value of the water authorities, made an unsuccessful last minute attempt to delay proceedings.

The water directive was passed unanimously by all 12 EC states in 1980 and governments were expected to comply by 1985. The EC Commission began proceedings against London in 1989, after a complaint from Friends of the Earth, which has campaigned against privatisation and plans for safety monitoring and timetable for better purification.

Mr Heseltine attacked the French government for delaying the foundation of a new European environmental agency. Paris, he said, was playing politics over the distribution of EC institutions between various European cities and the new agency would be at work now but for French obstruction. France is refusing to agree the siting of several new EC institutions until Strasbourg is confirmed as the home of the European parliament.

## Farm waste 'may have to be controlled'

By Michael Hornsby, Agriculture Correspondent

ONE in three farms in England and Wales pollutes rivers or lakes or is in danger of doing so, according to the National Rivers Authority. In some areas the ratio is two in three, it said in a report published yesterday.

The authority says existing controls do not work and that waste discharged by farms might have to be limited by law in the same way as the waste from other industries.

Since 1979, farm pollution incidents reported to the authority have doubled from 1,500 a year to just over 3,000, the report says. But that figure measures only a small part of the pollution caused by farms, much of which goes unnoticed, such as fertiliser and chemical runoff from farmland.

Although farming accounts for only 12 per cent of all reported water pollution, it is responsible for 36 per cent of the most serious incidents, the report says. In terms of their ability to poison water by removing oxygen, animal slurry is 90 times, silage liquor 170 times and milk 400 times more polluting than

untreated human sewage. Animal waste, including excrement and the washings of farmyards and dairy parlours, accounts for 87 per cent of farm pollution. Some 200 million tonnes are spread on farmland annually.

Pollution from pesticides and nitrate fertilisers is harder to measure, the authority says. It recommends that pesticide manufacturers should pay a levy to fund the cost of more research into disease-resistant crops and into the use of natural predators to control pests. The report says

compulsory limits on fertiliser and pesticide use may have to be imposed in vulnerable areas such as East Anglia, where chemicals are able to seep down quickly to underground water.

In response to the report, John Gummer, the agriculture minister, announced a pilot study to test the efficacy of waste management plans. They would be tailor-made for each farm and would "specify when, where and in what quantities farmers should spread wastes in order to avoid water pollution".

Pollution protest: a young demonstrator at the environment department, London, yesterday



## Solicitors to boycott duty rota scheme

By Frances Gibb, Legal Correspondent

SOLICITORS are to take industrial action for the first time ever in protest at government plans for a new system of fixed fees for magistrates' courts legal aid work.

The decision by lawyers in Devon and Cornwall and in Teesside not to man the duty rota scheme in March comes as solicitors throughout England and Wales prepare for their first mass lobby of Parliament over the proposals.

Lawyers specialising in legal aid work will join in what is effectively a day of "inaction" on March 12 when they will hold a rally at Westminster Central Hall and lobby MPs. Courts are being asked not to adjourn or remand cases to that day.

A Law Society spokesman said: "This is the first mass rally by solicitors, or by the Law Society, in our history."

Some 2,000 solicitors are expected at the protest. Most will defer a decision on industrial action like that in Devon until they hear the Lord Chancellor, Lord Mackay of Clashfern, who is to address the meeting to explain the thinking behind replacing hourly-rate payment with fixed fees.

Yesterday, Lord Mackay's officials confirmed that April 1 was looking "increasingly unlikely" as the date for the new system to start. Officials have conceded there are some defects in the data on which the proposals are based.

Leading article, page 15

## Prisoners flee on way to court

Three prison officers and two inmates were injured yesterday when six prisoners escaped from a coach carrying them from Walton jail to Liverpool magistrates' court. Four were recaptured within an hour, but James Moore, aged 21, and Thomas McMullen, aged 33, were still at large last night.

As the bus carrying 15 prisoners was travelling through Bootle, a number of men suddenly attacked the officers. Two officers were out, another was beaten up, a prisoner was slashed across the throat and another suffered a broken jaw.

## Homeless aid

Mentally ill people sleeping rough in London are to be helped with an extra £8 million over the next three years, bringing the total spent to £20 million by 1994-5, William Waldegrave, the health secretary, said yesterday. The money will go on short-term hostels and community psychiatric teams to increase support for those moving from hostels to a more permanent place to live.

## Breath of air

All ten national parks in England and Wales are to be run by independent authorities on the lines of those already established in the Peak District and the Lake District. David Trippier, environment minister, said that the new authorities would have responsibility for detailed planning in their areas.

## GP fund role

Family doctors are to be given an increased role in buying hospital care for their patients, William Waldegrave, health secretary, said yesterday. Almost 15,000 GPs will become eligible to hold their own budgets for buying hospital care from April 1993, under an expansion of the GP fundholding scheme.

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# Man knifed colonel in dispute over ex-MP's daughter

BY MICHAEL HORSNELL

A MAN who knifed an army colonel in the face during a confrontation over the fallen daughter of a former MP was sent to prison for a year yesterday. Ian Fowler, aged 46, a married driver, was convicted of unlawfully wounding Lt-Col Francis Gibbon, aged 45, of the Royal Regiment of Artillery.

The woman at the centre of the case, Sophie Cordle, aged 33, who has drugs and prostitution convictions, was not in court to see Fowler jailed. Miss Cordle, daughter of John Cordle, former Tory MP for Bournemouth East and Christchurch, is understood to be on holiday in the South of France.

Judge Pollock said at

Knightsbridge, crown court, that he refused to believe the colonel's claim, made by Barry Cliff for the defence, that he was "shocked" and bitterly regretted what he had done. "I don't believe him," the judge said, pointing out that when Fowler had seen the colonel bandaged in hospital he had described him as "looking like a prat".

The attack occurred in Wandsworth Bridge Road, Fulham, west London, in August last year as Col Gibbon, of Poplar, east London, was taking Miss Cordle out to dinner. During Fowler's two day trial, the jury was told that she had 13 convictions between 1977 and 1990 for prostitution and two for pos-

sessing heroin. Col Gibbon told the jury that he had intervened in what appeared to be an acrimonious exchange between Miss Cordle and Fowler.

Fowler, of Leighton Buzzard, Bedfordshire, kicked a window of the colonel's car and swiped at him with his arm. It was only afterwards that Col Gibbon realised that he had been slashed with a knife on his forehead and jaw. He needed 22 stitches.

Questioned by Mr Cliff about his relationship with Miss Cordle, Col Gibbon denied giving her money for her drug habit. He said that he had given her cash to pay her debts. When Mr Cliff suggested that he had handed over £30,000, the colonel said that he had paid over "a substantial sum".

Fowler told the jury that he had been "a good friend" of Miss Cordle and that Col Gibbon had been "mesmerised by her". He said Miss Cordle had got on top of her drug problem when a "constant stream" of money began flowing from the colonel.

The incident, Fowler said, occurred when he had asked for repayment of cash owed to him by Miss Cordle. He said that he had wanted to end their relationship. He had used the knife, which he had been using to clean his nails, only to keep the colonel away from him.

A jury of seven women and five men acquitted Fowler of wounding with intent, but found him guilty of unlawful wounding.

Judge Pollock told Fowler: "Had you been convicted of the more serious charge, the sentence I would have passed would have run into years. The fact is you lost your temper and twice cut Col Gibbon in the face with a knife, causing serious injuries which have left him permanently scarred. This, in my judgment, is a serious case of unlawful wounding."

Mr Cliff, in mitigation, said that Fowler now accepted that his relationship with Miss Cordle was over. Fowler, said Mr Cliff, felt a mixture of sympathy and anger for Col Gibbon.

The court was told that Fowler's criminal record included a five-year sentence for armed robbery in 1964. As he waited for the jury's verdict, Fowler admitted having been a "minder" for Miss Cordle, driving her to clients and obtaining drugs for her.



Silent protest: a deaf demonstrator lobbying MPs yesterday in support of Alf Morris's private member's bill to improve legal rights for the disabled

## Recycling becomes second nature

BY DOUGLAS BROOM  
LOCAL GOVERNMENT  
CORRESPONDENT

FIFTY years after people were urged to turn saucers into Spitfires the people of Oxfordshire have recycled enough scrap metal in a single year to build ten jumbo jets.

Figures published by the county council, which has led the drive to reuse and recycle, show that in 1991 15 bottles were recycled for every man, woman and child in the county. It also reported increased use of services to recycle paper and waste oil and to extract harmful CFCs from discarded refrigerators and freezers. Best of all was the response to a scheme for reusing tools in Third World countries, launched last September, which has almost overwhelmed the council.

Sarah Wild, recycling officer, said: "People are bringing perfectly repairable hand tools and sewing machines to our tools skip in Oxford. Literally by the boxful. Recycling has long ceased to be a fringe activity for a few green-minded people and is fast becoming something which for many people is as automatic as washing the dishes."

The council is looking for ways of expanding its recycling activities into new areas such as finding uses for old clothes and furniture. Last month it announced water-saving measures to cut its water bill by a third.

"More than ever it makes sense, both in terms of energy saving and conservation, for everyone to use resources wisely," Ms Wild said. To announce its success the council issued a press release printed, naturally, on recycled paper.

## Alzheimer appeal raises £28,000

BY JEREMY LAURANCE  
SOCIAL SERVICES  
CORRESPONDENT

THE Times Christmas appeal on behalf of the Alzheimer's Disease Society raised £28,269.04, including one donation of £1,000 and several of £500. More than 1,000 readers contributed.

The money will be used to extend the society's work in helping carers, many who are themselves elderly. Funds have already been passed to the Working branch to expand its day care service, to the Sunderland branch for its home sitting service and to the Neath and Port Talbot branch for respite holidays. A survey of 200 carers by the society last summer found that they had an average of only 13.5 hours a week free from caring.

The society's day care and drop-in centres provide an important service for carers, many of whom have their own medical problems and need support. A woman carer may find herself having to cope with financial affairs, while a man may have trouble with the cooking and the shopping. At the same time, they have the emotional and physical problems of caring for a person with dementia.

Harry Cayton, director of the society, said that the money would help carers to cope better. "But it is not only the donations which matter," he said. "The way in which The Times has raised awareness of people with dementia and those who care for them has been very valuable. There was a time when dementia was a problem that was hidden away. There are things we can do to improve the lives of sufferers and carers."

## Titles flooding in by the thousand

BY MATTHEW D'ANCONA

GIFTS ranging from a complete set of Agatha Christie's novels to Lord Rees-Mogg's own copy of *The Wealth of Nations* have already flooded in to Book Aid. Book shops yesterday reported an overwhelming response to the charity's bid to collect a million books for the republics of the former Soviet Union.

Four thousand volumes had been received at Waterstone's book shop in Huddersfield, while Blackwell in Oxford was still counting the thousands brought in on the first day. Hefler's in Cambridge said that some customers were handing in new books which they had bought, and Waterstone's in Aberdeen was seeking ways of collecting the many offers from book-lovers in the remote parts of Scotland.

To date, 150,000 books have been flown to Moscow by Aeroflot, of which 26,000 are already on the shelves of 17 libraries from St Petersburg to Sakhalin Island. Only 300 books have disappeared in spite of the long traditions of black marketing and corruption, and a brief flurry of KGB disinformation about the campaign after its establishment in September.

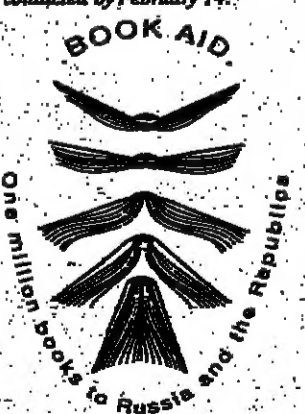
Ekaterina Genieva, deputy director of the Library for Foreign Literature, Book Aid's Russian partner, said that the charity had capitalised on existing relations between the foreign language libraries. "We have had contacts for years now with libraries in different parts of the country, in Georgia, Armenia, the Baltic States. We know where to send the books and they're being used already."

Susan Richards, a member of the Book Aid working party, said that the distribution system in Moscow had been effective because it employed only a few people. "It's an amazingly productive op-

eration and its secret is its small scale. It's almost a sealed system," she said.

National Book Aid Week runs to Sunday January 26. Books may be handed in at Hefler's, 20 Trinity St, Cambridge; Blackwell, 50 Broad St, Oxford; HJ, Ltd, Royal Arcade, Cardiff; Hefler's, 20 Farnham, Book branch; and the following branches of Waterstone's: London: Charing Cross Rd, Covent Garden, Hampstead, High St, Kensington, Kingston upon Thames, Notting Hill Gate, Richmond, Wembley, Aldenham; Bath: (415) Milson St; Birmingham: Bournesmoor; Brighton: Bristol (The Galleries, Broadmead); Canterbury; Cheltenham; Edinburgh (Princes St and George St); Exeter; Glasgow (Princes St); Guildford (North St); Lancaster; Leeds (93/97 Albion St); Liverpool (52 Bold St); Middlesbrough; Manchester (Deansgate and St Ann's Sq); Newcastle; Norwich (St Stephens St); Nottingham; Perth; Preston; Slough; Slough; Stratford upon Avon; Swindon; Winchester; Worcester; York.

Larger book donations: Book Aid warehouse (071 713 7253). Please do not send books to The Times. Cheques payable to Book Aid may be sent to Waterstone's Ltd, 37 Tavistock Place, London SW6 3QH. Donors of money and volunteers will be entered into a draw for prizes, return flight to St Petersburg or Moscow, donated by Barry Martin Travel, second prize case of wine donated by Oddbins. Five runners-up £20 book vouchers each, donated by Waterstone's; winners will be contacted by February 14.



## Collectors fear £1m pottery is forged

BY SARAH JANE CHECKLAND  
SALESDROOM CORRESPONDENT

MORE than £1 million worth of Staffordshire pottery sold to American collectors by London dealers may be fakes made in the mid-1980s.

Scotland Yard's Art and Antique squad has taken about 40 pieces for scientific tests at the Research Laboratory for Archaeology and the History of Art in Oxford. Writings have been issued against a Buckinghamshire potter and a firm of London dealers, Lindsay Antiques.

Yesterday, the New York collector Henry Weldon confirmed that more than 20 items he had bought from Lindsay Antiques were being

tested. Mr Weldon's solicitor, John Jeffrey, confirmed that his client had issued a High Court writ claiming that 14 pieces acquired from Lindsay were "forgeries of no value".

The suspect group is principally Staffordshire or Staffordshire Whieldon wares. This week's *Antiques Trade Gazette* says that the alleged copies include two owl jugs bought for £96,500, and a Whieldon candelabrum for £67,500. Lindsay Antiques had its answerphone on yesterday, and did not return calls from The Times.

Arts, page 12

## Home owners 'overpaying insurance by £30'

BY RACHEL KELLY  
PROPERTY CORRESPONDENT

MORE than 15 million home owners may be paying insurance companies up to £450 million a year too much to cover the cost of rebuilding their homes, says Britain's largest quantity surveyors.

A report from Davis Langdon & Everest estimates that each household could be paying up to £29 a year too much. The report is based on the index of the cost of rebuilding a home from scratch, which many insurance companies use. Peter Fordham, head of cost research at Davis Langdon & Everest, said that the index did not reflect the true price of rebuilding in the recession.

"The index has continued upwards when all prices are coming down," he said.

The index, known as the house rebuilding cost index, has been compiled for the Association of British Insurers by the Royal Institution of Chartered Surveyors' Building Cost Information Service since 1978. It uses materials and labour costs for individual homes, with adjustments

for professional fees, overheads and profit. Sun Alliance, one of Britain's biggest insurance companies, whose policies are index-linked, said that it was looking at the accuracy of the index.

Douglas Robertson, of the Building Cost Information Service, said that the rebuilding cost index was more in line with the direct costs of materials, based on mer-

chants' list prices, and on wages, based on nationally agreed rates, than any other index for small, individual jobs.

Mr Fordham said that the data upon which the index is based was inaccurate. "The real price of small batches of materials has fallen. In the industry, people on the agreed wage rate are a minority." The housing tender price

index, which measures prices charged through competitive tender and is also produced by BCIS, may be a closer reflection of the price levels. Mr Fordham said. But Mr Robertson said that the other index was unsuitable because it related to large projects "where undoubtedly competition is exceptionally keen".

Domestic property, page 31

## PRODUCT RECALL

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**ASDA MULTIPACK DIP 4 x 85gm**  
(variety containing garlic dip)  
**ASDA VEGETABLE CRUDITE WITH GARLIC DIP 400gm**

USE BY DATE CODES: 25.1.92 TO 6.2.92

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- ASDA VEGETABLE CRUDITE WITH GARLIC DIP 400gm TUBS

USE BY DATE CODES OF 25.1.92 TO 6.2.92

THIS ACTION HAS BEEN TAKEN FOLLOWING THE DISCOVERY OF PIECES OF A NATURAL MINERAL IN A FEW PLASTIC TUBS OF ASDA FRESH ONION, GARLIC & HERB DIP DATED 25.1.92 ONLY. AS AN ADDITIONAL SAFEGUARD, WE HAVE WITHDRAWN USE BY DATE CODES 25.1.92 TO 6.2.92 OF ASDA FRESH ONION, GARLIC & HERB DIP, ASDA MULTIPACK DIP AND ASDA VEGETABLE CRUDITE WITH GARLIC DIP.

THE MANUFACTURER STATES THAT IT IS PROBABLE THAT THIS SUBSTANCE IS ASSOCIATED WITH A SPECIFIC RAW MATERIAL, AND IS RESTRICTED TO A SINGLE BATCH CODE. INDEPENDENT ANALYSIS CONFIRMS THAT THIS REPRESENTS A MINIMAL RISK TO HEALTH.

ALL SUSPECT MATERIALS, HOWEVER, HAVE BEEN IMMEDIATELY WITHDRAWN.

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## Trio hedge on teaching changes

THE "three wise men" commissioned by the government to propose far-reaching changes in the way children are taught in primary schools in England will recommend today that teachers use a mixture of traditional and modern methods.

Kenneth Clarke, the education secretary, will be accompanied by the three authors of the hastily-written report when he publishes it today. He had hoped for a clearer recommendation for a return to traditional teaching methods, rather than the carefully reasoned argument for a middle line that he has received.

Mr Clarke ordered the report seven weeks ago, after deciding that "play school" teaching methods introduced in the 1960s had led to under-achievement and low standards. He believes that present methods suppress standards and are in-

Kenneth Clarke, singing the praises of traditional teaching methods, may be forced to change his tune following a recommendation for a mixture of old and new styles, David Tytler reports

capable of teaching the individual subjects required by the national curriculum.

The report, by Professor Robin Alexander, of Leeds University, Jim Rose, the chief primary schools inspector for the schools inspectorate, and Chris Woodhead, chief executive of the National Curriculum Council, does not advise that schools should return to formal classroom teaching, but encourages them to teach in larger groups or, where possible, in whole classes, rather than allowing children to do their own work in their own time.

Streaming, favoured by Mr Clarke, will not be recommended, but the report

says that teachers should ensure that all pupils are stretched to their best performance. This may require special treatment for the very bright and for less able children.

Mr Clarke is especially worried about lessons for pupils aged between eight and 11, who he believes are being let down by modern teaching methods. Many, he believes, are not given sufficiently detailed lessons in the national curriculum subjects of mathematics, English, science, technology, history and geography.

Until now, most primary schools have used projects to cover all these areas. The report agrees with Mr

Clarke's view that this approach often does not cover all the areas adequately. There should be a greater concentration on detail.

Mr Clarke is expected to endorse the report, reminding his critics that he has always said that he has never wanted "a wholesale overnight return to whole-class teaching". He believes that the recommendations, which he will use to change the way primary school teachers are trained, will meet his main complaints about the extremes of modern methods.

Commissioning the report last December, Mr Clarke said: "At its worst, current practice hinders concentration: dispenses time-wasting, lack of real learning and superficial questioning; and provides little useful contact between the teacher and the individual pupil."

Problem schools, page 5



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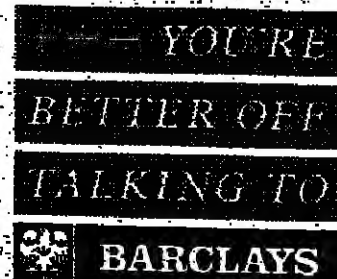
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# Car buyers want fixed lower price to end haggling

BY KEVIN EASON, MOTORING CORRESPONDENT

THOUSANDS of motorists lose discounts worth hundreds of pounds on their new cars because they are too shy or afraid to haggle with sales staff.

The Lex Report on Motoring 1992, one of the most detailed surveys of the nation's motoring habits, says today that six out of ten motorists want car makers to put an end to the horse-trading from a high price to get the best discount and to introduce a simple system of fixed lower prices. Only 19 per cent wanted the bargaining for discounts system to be retained.

Lex found 54 per cent of

buyers do not enjoy haggling for a deal and a third of those ended up paying the full asking price because of their reluctance to negotiate, probably paying hundreds of pounds more than necessary.

Of the motorists who did not like haggling, two thirds were women who felt vulnerable when confronted with the prospect of horse-trading for lower prices, the survey says.

The report comes at a crucial time with Peter Lilley, the trade secretary, expected to announce soon the result of the 18-month Monopolies and Mergers Commission investigation into car pricing policies. Car manufacturers

have defended stiffer prices up to 30 per cent higher than in showrooms on the Continent by telling the commission that British buyers can negotiate big discounts. Ford, Britain's biggest manufacturer, is offering between £400 and £800 off some models.

Ian McAllister, chairman of Ford of Britain, cast doubt on the Lex findings claiming that many car buyers expected discounts by right.

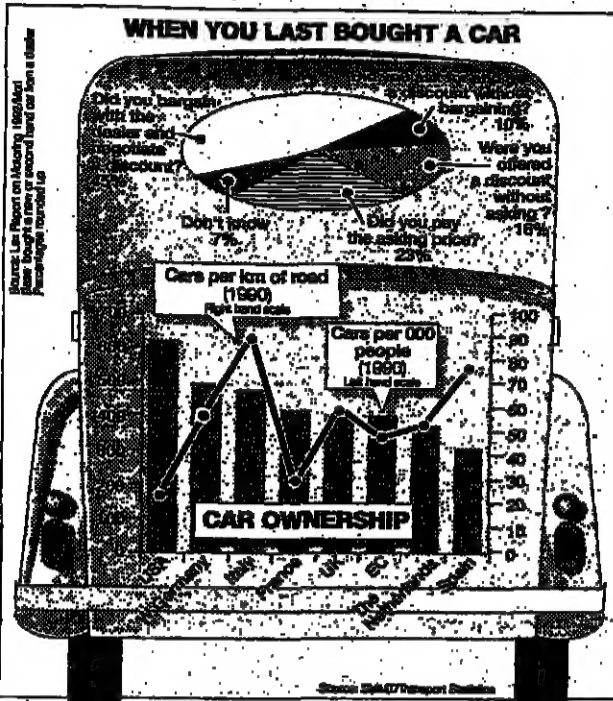
Only 16 per cent of all buyers paid the full price for their new car. Ten per cent asked for and got a discount without any bargaining and 21 per cent of buyers said the dealer offered a discount straightaway.

Just how much the motor industry suffered last year is highlighted by a decline in car ownership for the first time after 11 years of growth, from 23.1 million in 1990 to 22.6 million last year. With the squeeze on consumer spending, motorists also decided to extend the length of time they kept their cars from the 3.75 years on average in 1990 to 4.11 years. When motorists did spend, 76 per cent bought a used vehicle, up from 72 per cent in 1990.

In spite of the dip in car ownership, congestion remains one of the biggest irritations. Britain has one of the lowest car ownership figures in Europe at 403 per 1,000 people, compared with 602 in the United States, 492 in West Germany, 476 in Italy and 416 in France. Yet there are 61 cars per kilometre of road — higher than all but Italy, which has 91, Spain with 78 and Germany, which is the same as the UK. Seventy per cent of motorists are worried by congestion, yet British drivers seem resigned to their fate of more cars clogging up the roads, with just under half predicting that most households would have at least two cars in 2001.

The report was compiled by Mori after questioning 1,277 car drivers at 160 locations in the UK last October and November.

Lex Report on Motoring 1992 (Lex Service, 17 Connaught Place, London W2 2EL; £175)



## M-way offenders targeted by police

BY CRAIG SETON

SIX police forces have launched a campaign against motorists who break the law on Britain's busiest network of motorways. The forces will cover nine motorways and two motorway-type routes in the Midlands in an effort to reduce the rising number of deaths and injuries in crashes.

The year-long campaign across more than 350 miles of motorway will involve the forces of West Mercia, Staffordshire, Warwickshire, West Midlands, Northamptonshire and Leicestershire. Traffic police have begun targeting speeding motorists and tailgaters, those who follow too closely behind the vehicle in front. These are regarded as the two commonest causes of motorway accidents, followed by poor lane discipline, mechanical de-

fects, poor tyres and driver fatigue. The campaign was launched at West Mercia police headquarters yesterday. Chief Supt Brian Humphreys said that last year there were 984 accidents involving fatalities and injuries on motorways covered by the forces, whose areas stretch from eastern England to the Welsh border.

He said aggressive driving was increasing and added: "We have a hard core of motorists who seem to ignore commonsense and drive too fast and too close, when they are too tired or who do not maintain their vehicles." Improved technology and design of cars had led to demands for higher speed limits, but that would only increase the accident rate.

He denied that a prolonged campaign by neighbouring forces was a first step towards regional police forces or a national "highway patrol". For the first time motorists travelling on motorways would encounter patrols involved in the same, rather than separate, initiatives.

The Midlands had some of the most congested motorways. The average daily traffic flow on Britain's motorways was 54,000 vehicles, compared with 115,000 on the M6 around Birmingham.

The campaign will target one problem each month. After speeding and tailgating, it will move on to the condition of tyres, following the introduction this month of new tread depth laws, and vehicle lights. In the spring and summer, traffic patrols will check seat belt-wearing and how long drivers have been behind the wheel of heavy goods vehicles, caravans, buses and coaches.

The routes involved within the six force areas are the M1, M69, M6, M5, M42, M40, M50, M45, M54, the A38(M) and A42(M).

## Invalid suffers poll tax ordeal

A SEVERELY retarded blind man had to be carried into court to answer a charge of not paying his poll tax yesterday because a council would not believe that he was disabled.

Bob Eales, aged 49, was carried up the steps of Birmingham magistrates' court by members of his family. When his case came up, the magistrates dismissed it after a few minutes.

Because of his physical and mental disabilities, Mr Eales has been exempt from paying the poll tax since it was introduced in April 1990. This year, however, Birmingham city council sent him nine letters demanding a £100 poll tax payment.

His sister, Pauline Hadland, of Aston, Birmingham, who cares for him, wrote to the council, spoke to its officials, and completed and returned forms explaining that her brother did not have to pay. She also sent a doctor's note. Eventually, the council sent Mr Eales a summons.

After the case, she said: "They obviously looked into his history because they only wanted the lesser payment of £100. But Bob has never worked and is totally exempt from paying. It is disgusting and shameful."

Mike Williams, the director of finance, said: "I am very sorry that this should have happened and I want to apologise to Mr Eales and his family for any distress caused."



Balancing act: one of three hare sculptures by Barry Flanagan being lowered into position yesterday in front of the Business Design Centre, north London, home to London's Contemporary Art Fair, which opens tomorrow. Art Fair Prospects, page 12

## Wife 'was given rat poison'

A WIFE's in-laws forced her to drink a cocktail of lager and rat poison when she refused to divorce her husband and surrender her rights to the family business, a jury was told at the Central Criminal Court yesterday.

Lex Bryan, for the prosecution, said the family wanted Mahini Patel to divorce her husband and sell her share of a shop to his brother. His mother mixed lager, water and rat poison under the brother-in-law's instructions and, while he held Mrs Patel's head, poured the liquid into her mouth, it was alleged.

Mrs Patel, who spent three days recovering in hospital, did not tell police for nearly three months. "She was afraid," Mr Bryan said. Chandrakant Patel, her brother-in-law, was arrested on September 17. Mr Patel, aged 34, of Wood Green, north London, denies allowing a noxious thing to be administered with intent on June 24 last year. His parents have returned to India. The trial continues.

## Major studies takeover plan for problem schools

BY PHILIP WEBSTER, CHIEF POLITICAL CORRESPONDENT

THE government would appoint managers to take over the running of "problem" schools in the inner cities from local education authorities under a plan being considered in Whitehall for inclusion in the Conservative election manifesto.

In spite of fears among some ministers that the proposal might cause a pre-election dispute, John Major has told officials and ministers that he wants it examined because of public despair at the poor quality of schooling in some cities.

Kenneth Clarke, the education secretary, is understood to be cautious about such a provocative move, which would be bitterly fought by the local authorities and the education establishment, appearing in the manifesto.

However, informed sources told *The Times* yesterday that Mr Major was enthusiastic about the idea and is anxious to see whether a practicable scheme can be worked out.

The government's drive to encourage schools to become self-governing has made less of an impact in the inner cities than elsewhere.

Privately, ministers say that parents and governors in working class areas lack the expertise and organisation to press for ballots on whether their schools should be taken out of local education authority control.

Some 143 schools have become self-governing since 1989 and a further 18 have been approved but are not yet up and running. The overwhelming majority are outside the inner cities.

Ministers accept that the plan would outrage the local authority organisations but say that the main targets would be what they will term "incompetent" Labour councils.

Supporters of the proposal, which has both strong backers and opponents in the education department, say that it would exert the same discipline in state schools as the threat of a takeover would in the private sector.

One said: "Unlike privately run organisations, schools cannot go bankrupt. Staff and senior management do not face the threat of being sacked. There is no natural mechanism for pulling an ailing school round."

Mr Major made plain that education was at the top of his priorities soon after becoming prime minister. Sources close to him said yesterday that he was determined to get to grips with "problem" schools and was frustrated at the lack of progress in deprived areas.

The latter stages of manifesto-making are under way. The key players are the secretaries of state in all departments. Chris Patten, the Tory chairman, Andrew Lansley, the head of the Conservative research department, the prime minister, and Sarah Hogg, head of the Downing Street policy unit.

Sources representing all those interests declined to rule out the proposal when it was put to them by *The Times*, and the idea is clearly being floated to test reaction.

Sources say that the plan at present is "undefined". The questions it immediately raises are: who would decide whether a school is "bad" enough to merit being taken over? what would be the criteria used? would all schools in a local authority area be taken over or just the problem cases? how long would the takeover last? what would happen to the senior management of the schools taken over?

Those are the very questions being considered in the Whitehall study currently taking place.



Clarke: cautious about provocative move

## Isles students set their sights high

BY JOHN O'LEARY, HIGHER EDUCATION CORRESPONDENT

TWO London boroughs and the Isles of Scilly have been named as the most successful English authorities at putting students into further and higher education.

An analysis by the education department of three years' statistics showed that students in the islands or the London boroughs of Harrow and Richmond upon Thames were seven times as likely to take further or higher education courses than those in Barking, east London. More than half of Barking's pupils left school at 16 and fewer than one in ten went on to higher education.

Almost three quarters of

### PERFORMANCE IN EDUCATION

The best authorities (1987-8 to 1989-90)

	Full-time H/Ed + F/Ed (%)	Five GCSEs (grades) (A-C) (%)
Is of Scilly	73.2	86.6
Harrow	68.7	44.1
Richmond	69.1	38.0
Bury	47.5	23.1
Brent	46.0	23.3

The worst authorities (1987-8 to 1989-90)

	Full-time H/Ed + F/Ed (%)	Five GCSEs (grades) (A-C) (%)
Newcastle	19.8	22.3
Bradford	19.7	17.8
Doncaster	18.8	22.6
Gateshead	15.9	20.7
Barking	9.5	13.6

Sources: Statistics of School Examinations 1990 (education department)

16-year-olds in the Scilly Isles continue to further education on the mainland after leaving the one comprehensive school, on St Mary's. Students receive maintenance grants to continue their education if they remain in Cornwall. Alan Howells, the headmaster, said that the staying-on rate was now even higher than the report showed.

The survey, published in a statistical bulletin, also put the islands well ahead of the rest in GCSE examination success, although the small number of pupils at the Isles of Scilly School may have distorted the figures.

Of the larger education authorities, Harrow had the best record for GCSEs, with 44 per cent of pupils taking the top three grades in at least five subjects. Buckinghamshire and Surrey also topped 40 per cent.

Knowsley, near Liverpool, was at the bottom of the GCSE table for the three years to 1989-90. Barely one pupil in nine passed five subjects with the top three grades, a quarter of Harrow's total.

The bulletin showed rising GCSE pass rates in all subjects. By 1990, 10 per cent more pupils were passing the equivalent of five O-levels than a decade earlier.

Nationally, almost a third of pupils went on to further and higher education in the three years. Forty six per cent left education at 16. More than 28 per cent passed five GCSEs at grades A to C.



Fish fete: Donald Ruth, aged 63, declared best-dressed porter yesterday as Billingsgate market celebrated its 10th year in London's Docklands

## Nurse loses action against hospital smoking ban

By KERRY GILL

AN AUXILIARY nurse who said that she was forced to resign from her job after a health board banned smoking in all its premises has lost her claim of constructive dismissal.

May Dryden, aged 63, who smokes 30 cigarettes a day, argued before an industrial tribunal that the ban, introduced by the Greater Glasgow health board last year, was unreasonable because it stopped employees from having a cigarette at any time or in any place while at work. Even the car

park at Glasgow's Western infirmary, where she worked, was a no-smoking area.

Mrs Dryden, who has smoked regularly since 1941, claimed reinstatement and compensation from the health board, having resigned after 14 years at the hospital. The tribunal, which gave its decision yesterday, is to publish its reasons later.

After hearing the result, Mrs Dryden said: "I am disappointed, but this was the result I expected. I have done what I set out to do. I have drawn the public's attention to the thousands of people who are

being denied a place to smoke during a work break.

"When I left my job, I promised my friends that I would do something about the smoking ban. We can all choose not to go to the cinema or the theatre if there is a smoking ban, but we can't choose not to go to work."

Mrs Dryden had told the tribunal that she had been driven "demented" by having to go eight hours a day without smoking. On the fourth day of the ban, Mrs Dryden said that she could stand it no longer and resigned. The health board said that it had stopped all

smoking in hospital buildings and grounds to protect staff and to promote good health.

The outcome of the case has been awaited by hundreds of smokers working for the board, who presently gather outside the main gates with visitors for a smoke.

Mrs Dryden said that she had not had time to change out of her theatre clothes and go into the street for a cigarette. In any case, she had never smoked in the street, she said. Previously, the health board had set aside smoking areas. Stephen Miller, her law-

yer, said: "Mrs Dryden is disappointed and is keenly awaiting the tribunal's written decision because she realises the consequences of her own case for others similarly placed. She is also aware of the principles involved."

A spokeswoman for the Greater Glasgow health board said: "We are pleased by the result." Asked whether the board might consider reintroducing smoking areas, the spokeswoman said that the board could not comment until the tribunal's detailed findings were published.

## Addict changes drug plea

An Englishman on trial in Bangkok for trafficking in heroin changed his plea to guilty yesterday, saying that he was fed up and just wanted to know his sentence.

Stephen Harris, aged 34, a self-confessed heroin addict living in Bangkok, said that he had earlier pleaded not guilty because he was scared of going to jail and because his lawyer had persuaded him to deny the charges. He apologised for wasting the court's time.

Mr Harris's sentence is due to be announced on Friday and is expected to be at least 25 years. However, his admission of guilt means that he will not be sentenced to death.

Mr Harris, originally of Nottingham, was arrested 13 months ago after police found 3.3lb of heroin in his Bangkok flat. He told the court that he had paid his lawyer £5,000 at the beginning of the trial but sacked him after he demanded a further £20,000. The two judges asked if they should appoint another lawyer for him, but Mr Harris refused.

## Public enquiry wanted on Beck

Michael Latham and Sir John Farr, Leicestershire Conservative MPs, have demanded that the inquiry into the county council's handling of complaints against Frank Beck, the social worker jailed for life in November for abusing children in care, should be made public when it begins today.

The inquiry, under the chairmanship of Andrew Kirkwood, QC, was ordered by William Waldegrave, the health secretary, after the court was told that Beck, aged 49, had escaped detection for 13 years. A second inquiry has already begun into police handling of complaints involving Beck.

## Damages paid

Sir Trevor Skeet, Conservative MP for Bedfordshire North, has been awarded "substantial" damages in the High Court over allegations by Angela Television that he had been banned from his local Conservative club. Angela accepted that the allegations were untrue.

## Action settled

William McKune, of Hamilton, Strathclyde, has settled a damages action against the Strathclyde chief constable over his wrongful imprisonment for 109 days. A detective was jailed in 1988 for attempting to pervert the course of justice against Mr McKune and two others.

## Fraud charges

Frank McGrath, aged 41, of Fulwood, Lancashire, chairman of Preston Labour party, was remanded on bail by Preston magistrates' court on two charges of fraud and three of theft.

## Council strike

Six hundred workers in Strathclyde regional council's finance department have gone on strike, halting income collection in Scotland's largest authority.

## Driving ban

Ruairi Quinn, aged 45, deputy leader of the Irish Labour party, was banned from driving for 12 months and fined £250 after being convicted of drink-driving by Dublin district court.





Lady Blatch: opposing a "return to rates"

## Smooth ride for council tax

By JOHN WINDER

LABOUR attempts to wreck the bill introducing the council tax, and to change the title to "property poll tax" were rejected in the House of Lords last night. Opening votes on the six-day committee stage of the Local Government Finance Bill indicated that the government should have little difficulty in getting its bill through the Lords before the end of February.

Moving the first of a series of Labour amendments, party spokesman Lord McIntosh of Haringey said that they were to make a genuine start on escaping from the shambles which poll tax had imposed on the people.

Lady Blatch, the environment minister, said the amendments would be a return to the rates and would be a recipe for punishing many people with incomes above rebate level.

The amendment was rejected by 175 votes to 67.

## Lib Dems join economic battle as Mellor unveils new spending weapon

# Tories add £2bn to Labour bill

By NICHOLAS WOOD, POLITICAL CORRESPONDENT

LABOUR's programme for government would cost an extra £37 billion, the Conservatives said yesterday, as they unveiled a revised costing of the Opposition's plans.

The renewed Tory onslaught on Labour's economic competence was led by David Mellor, the Treasury chief secretary, who said that the combination of inflation and new pledges had pushed up the potential bill for the taxpayer by £2 billion since the summer when the exercise was first conducted.

Labour dismissed the figures as "bogus" and denied that the spending pledges detailed in a report running to 60 pages amounted to firm commitments. It counter-attacked by accusing ministers of misleading the public about the severity of the recession and citing record business failures as evidence that recovery remains a long way off. It also challenged the government's efforts to use the world downturn as an alibi for Britain's problems by pointing to the country's lowly place in international league tables.

Mr Mellor challenged Labour to come clean about its spending plans or explain how it would raise the £37 billion extra needed to sustain

its programme once every item was up and running. His figures took account of the growth dividend, he said.

The Tories say that Opposition spokesmen have made a host of promises over the years with the aim of winning votes. They maintain that none of these have been withdrawn when the funding questions have been posed. In the absence of a retraction, the Tories predict that the average taxpayer would have to find an extra £1,000.

Labour maintains that its promises to raise child benefit and pensions and to introduce an emergency programme for economic recovery, including a £900 million training and employment package, are its only firm spending commitments. All its other plans are goals or aspirations to be financed out of growth.

Speaking on the eve of today's Commons debate on public expenditure, Mr Mellor accused the Opposition of trying to have it both ways. One moment it was trying to curry favour with interest groups and win votes with "glib promises" of higher spending. The next, when challenged, it insisted that its various pledges were mere aspirations. It should not be



surprised when its commitments were identified and costed. "No Opposition in history has stage-managed more launches. Today, we prove that there is no such thing as a free lunch."

The chief secretary cited Labour's plans for overseas aid as a blatant example of its inconsistency. Less than a year ago, Ann Clywd, the shadow cabinet spokesman, said that reaching the United

Nations target of 0.7 per cent of GDP (cost £2.5 billion, or more than a penny on income tax) was a "top priority". But Margaret Becket, the shadow chief secretary, said in May that it was only a "goal". Yet at the Labour conference in the autumn, Gerald Kaufman, the shadow foreign secretary, said it was "a firm commitment, costed and clear that I pledge our Labour government will carry out".

## Ashdown puts the political system on trial

By ROBIN OAKLEY, POLITICAL EDITOR

THE Liberal Democrats, fighting to avoid the squeeze as the two main parties intensify the "phoney election" battle, yesterday pressed their campaign theme that changing Britain's government was not enough: the system had to be changed as well.

Paddy Ashdown, the party leader, launching a document entitled *Forty years of Failed Government*, said that the value of the pound, Britain's trading position and employment (save for a blip of recovery under Edward Heath) had all deteriorated steadily whether Labour or Tory governments had been in power.

Jim Wallace, the party's employment spokesman, will introduce a bill in the Commons on February 11 calling for proportional representation. He said that Britain's economic failure was linked to the failure of the political system. The Liberal Democrats would introduce PR, decentralised power, a freedom of information act for open government and laws designed to end "merger mania" in British industry as well as taking Britain into the single European currency.

Mr Ashdown said that governments of both parties had let Britain down. "They have put short-term politics before the long-term interests of our nation. If you want things to stay exactly the same as they have over the last 40 years,

vote Tory or Labour," he said. Asked about reports that ministers were deliberately "laying off" the Liberal Democrats in the hope that a centre party revival would boost their prospects of re-election by splitting the anti-Conservative vote, Mr Ashdown insisted that his party was a threat to the government.

"If the Tories actually believe that a rise in Liberal Democrat votes will help them then they have simply misread the facts of differential regional voting which has already begun in the May local elections. The fact is that this party will be the instrument which defeats this government, not the instrument which protects it."

The Liberal Democrats document argued that if the pound, the dollar and the German mark all had a value of 100 units in 1951, the Deutschmark was now at 32 points, the dollar at 19 and the pound at only seven points.

Unemployment had risen by 53 per cent under the Conservative government from 1951-64 and by 96 per cent under Labour from 1964-70. It had dropped by 16 per cent under Edward Heath's government from 1970-74, risen by 106 per cent under Labour from 1974-9 and gone up again by 115 per cent under the Tories from 1979 to 1991.



## Pretoria sanctions 'must go'

The removal of sanctions against South Africa is desirable on economic and social grounds, John Major told the Commons, and he is determined to end them.

Pressed to keep sanctions in place until majority government was established, the prime minister said at question time that there was no growth there, while the population was growing at 3 per cent a year. That was leading to real hardship, most noticeably among those who had least.

President de Klerk is to visit London for talks with Mr Major on February 1.

## Victims may get payout

The government is prepared to consider paying compensation to nuclear test victims if evidence can be given of exposure to radiation, John Major said at question time.

The issue was raised by Keith Vaz, Labour MP for Leicester East, who said that despite an assurance nearly a year ago from the prime minister in relation to a man suffering from leukaemia which he contracted while serving in Christmas Island at the time of the British atom bomb tests, nothing had been done.

## Equal votes

A bill intended to end male dominance of the Commons was introduced by Teresa Gorman, Tory MP for Billericay. Electors would have two votes, one for a male candidate and one for a female. At present only 44 of the 650 MPs are women and Mrs Gorman is seeking "to redress an anomaly". The bill has no chance of becoming law.

## X-ray vision

Prisons holding category A prisoners will start to install x-ray metal detectors for checking visitors next month, Angela Rumbold, the prisons minister, said in a written reply. Every such prison would have at least one machine by the end of March she said.

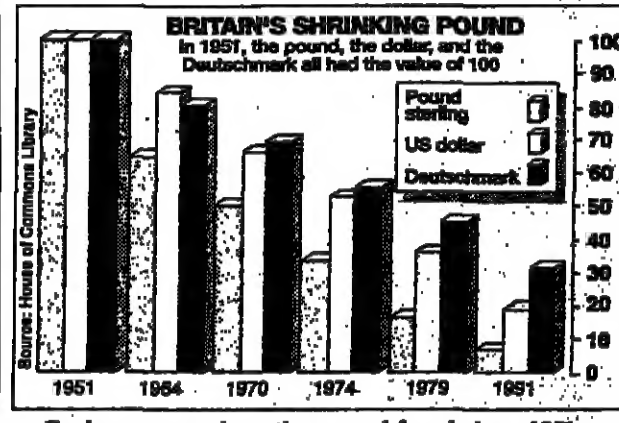
## Roll call

Central government employs 561,903 staff, David Mellor, the Treasury chief secretary, said in a written reply.

## Parliament today

Commons (2.30): Questions: Environment. Debate on Chancellor's autumn statement. Lords (2.30): Debates on the patient's charter and on finance in industry.

## TAX HAVEN? I'VE FOUND ONE IN THE HIGH STREET.



Exchange rate: how the pound fared since 1951

## Nuclear fears recede

By ROBERT MORGAN, PARLIAMENTARY STAFF

DOUGLAS Hurd, the foreign secretary, made it clear yesterday that he takes an optimistic view about nuclear arms control following the break-up of the Soviet Union. "There are more fingers on the brake than on the trigger," he said.

Mr Hurd, who returned from Moscow on Monday night, said he was encouraged by the determination of the leaders of the three most important new states, Russia, Ukraine and Kazakhstan, to deal with the massive economic problems they faced.

Addressing the British arm of the American Chamber of

Commerce in London, Mr Hurd said: "I do not believe that Ukraine, Belorussia and Kazakhstan want to remain nuclear powers and they have committed themselves to moving all tactical nuclear weapons to Russia, and that is happening by this summer, and to dismantling and disabling strategic nuclear weapons by 1994."

Kazakhstan, Ukraine and Russia were under the presidencies of three tough-minded and experienced men accustomed to bargaining, accustomed to arguing and accustomed to agreement, he said.

## MEPs pave the way for link with Christian Democrats

By PHILIP WEBSTER, CHIEF POLITICAL CORRESPONDENT

A DEMAND that the Conservative party should adopt a new programme blending Christian values with its social policies seems unlikely to stand in the way of a deal to boost the forces of the centre-right in the European parliament.

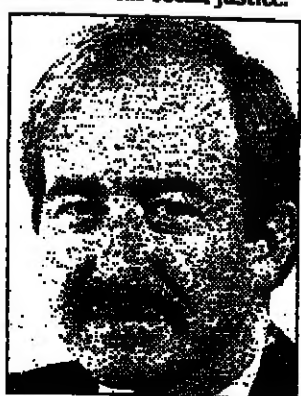
Leaders of the Conservative group at Strasbourg are optimistic that a meeting on February 14 between Christian Democrat leaders, including Helmut Kohl, the German chancellor, will sanction an agreement. A deal would allow Britain's 32 Conservative MEPs to link up with the 127-strong European People's party, with Christian Democrats from most EC countries, enabling it to challenge the 180-member Socialist group.

Opponents question whether Conservatism is compatible with Christian democracy. An internal document passed to *The Times* reveals that some want to exact a heavy price for co-operation. Some hardline Christian Democrats want the Conservatives first to show a willingness to adopt their policies. As these include a federal Europe, an independent European central bank and the social charter, all anathema to the Tories, the negotiations were never going to be smooth.

The Conservatives have been looking for a deal ever since the 1989 European elections, when Labour became the largest British

group at Strasbourg. A series of working parties have been looking at policy areas where the Conservative and Christian Democrat positions are distinct: agriculture, social policy, monetary union and the relationship of the EC institutions.

By far the most "painful" discussion has been in the working party considering the "Christian image of man". Arie Oostlander, a Dutch MEP, was sceptical about whether the Conservatives should be allowed to associate with Christian Democrats. Mr Oostlander, a guru of Christian democracy, wrote a paper that many felt was designed to scupper it. In words that the Thatcherites would have choked on, he said that Christian democracy "rejects utilitarianism and individualism and demands social justice."



Beazley: no party can claim moral superiority

"A new platform will be necessary to be adopted in Great Britain by the leaders of the Conservative party, that would intimately blend Christian values with its social policies and social action programme," he said.

Sir Fred Catherwood, MEP for Cambridge and North Bedfordshire, said that Britain was a Christian state and it would be unnecessary and inappropriate for any political party to call itself a Christian party.

Christopher Beazley, MEP for Cornwall and Plymouth, who also wrote a paper for the working party, said the differing religious traditions in member states had been at the root of the discussions. In Britain "it would be regarded as bizarre for one political party to claim some form of moral superiority over the other." The European parliament has what is called an "ecumenical breakfast" once a session and, according to one senior Tory, the most regular attendees are the British, Labour as well as Conservative.

Senior Conservative sources say there is a growing understanding between the two camps. The sources believe the warm relationship between Herr Kohl and John Major and the enthusiasm for the Christian Democrat traditions voiced by Chris Patten, the Conservative chairman, have helped to pave the way towards a working relationship.

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## Age is all in the mind, says survey

OLD age is defined by an attitude of mind, not by failing faculties, the charity Age Concern said yesterday. The young believe that old age begins before 50 but many septuagenarians feel they are still in the prime of life.

In a survey that puts new life into the cliché "you're only as old as you feel", one in ten of those aged 16-24 put the start of old age in the 40s and three in ten believe it begins before 60. But four out of ten of those aged over 75 do not themselves feel they have reached their old age.

"Nobody wants to believe they are old because of its negative connotations," said Sally Greengross, director of Age Concern, publishers of the survey. "Old age is always older than me."

Launching an appeal for £10 million to support the work of the charity, Mrs Greengross said that the old had much more positive views of ageing than the young. While those aged 16-24 said they did not want to live beyond 77, those over 75 hoped to go on until they were well past 90. "Although there are negative feelings about getting old, once you are there you want to keep going," she said.

The survey found that most people feared getting old, with loss of independence and ill-health each cited by a third as their chief worry and

money problems highlighted by a fifth. One in four said that there was nothing good to say about getting old and four out of five said that they could think of reasons for not wanting to carry on living in old age.

John Gabriel, director of Third Age International who conducted the survey, said that the pessimism about old age derived from ignorance. "Because of the breakdown of the extended family, people have very little exposure to older people and don't know what life is like for them."

There is a stereotype of the old as either decrepit or like Alf Garnett. But it is actually very difficult to put an age on people because they are healthier and younger looking than our preconceptions of them. Old people tend to feel ten years younger than their chronological age.

Mrs Greengross said: "There is much emphasis on the fact that now we are living to 80 or 90, one in five of us will suffer some form of dementia. But it is incredible that four out of five will suffer no dementia whatever. The vast majority of the elderly will stay fit, active and inde-

pendent." The Golden Years appeal to mark the 50th anniversary of Age Concern, which runs 1,400 local centres with the help of 250,000 volunteers, will be backed by a TV and poster campaign and is supported by a committee of ageing celebrities, including David Jacobs and Cliff Michelmore. "However young you are now, one day you'll be one of us," Mr Michelmore said.

Richard Ingrams, whose new magazine, *The Oldie*, is to be launched on February 19, said that he was surprised that one in four respondents could find nothing good to say about ageing. "There are many advantages in being older, and in many cases fewer responsibilities and more freedoms," he said. "In my experience, life is mainly to do with having families. I'm in favour of that, but it involves such a terrible effort. Oldies are able to pack it in."

Young people were scarcely in a position to comment on old age. "Most of them don't think about it at all," he said.

Alzheimer's appeal, page 3  
Leading Article, page 15



Novel neckline: Barbara Cartland and her award

## Heath collars necktie award

EDWARD Heath collected an award from Britain's tie makers yesterday, and admitted: "I only wear French ties." Luckily for Mr Heath, a committed European, the Guild of British Tie Makers' award was in recognition of his political, rather than sartorial, contribution to the nation.

The former prime minister told guild members at the Savoy Hotel in London that he was intrigued by the honour "having been criticised throughout my political life for the garments I wear".

The novelist Dame Barbara Cartland and the broadcaster Sir Robin Day were also given the guild's Great Britons tie award, a framed tie incorporating the national emblems of the United Kingdom.

Past recipients of the up front award include Lord Whitelaw, Sir Richard Attenborough, Norman Tebbit, Henry Cooper, Michael Winner, Sir Hardy Amies and Sir John Harvey Jones.

## Mann getting better

Jackie Mann, the former British hostage, ill with pneumonia in a Cyprus hospital, is showing signs of improvement. Mr Mann, aged 77, was alert and comfortable and had been watching television, a British military statement said yesterday.

his first officially acknowledged appearance in about a year, a Chinese official said yesterday. Mr Deng arrived in the Shenzhen special economic zone on Sunday.

Argentine-born Sonia Ruseler will become the latest female newscaster when ITN's lunchtime bulletin is given a fresh look in March. Miss Ruseler, aged 28, is ITN's Tokyo correspondent. She teams up with Nicholas Owen to present the 12.30 news following John Sacher's departure to news at 5.40.



Marlon Brando toured locations in Spain yesterday, preparing for his role in the film, *Christopher Columbus: The Discovery*, in which he plays Tomas de Torquemada, the infamous head of the Spanish Inquisition.

Age of respondent	Under 30 %	30 to 75 %	Over 75 %	Don't know %
16-24	33	58	5	4
25-34	18	71	8	4
35-44	12	71	8	9
45-54	13	63	15	9
55-64	10	43	26	21
65-74	9	30	38	23
75+	4	27	33	36

Source: Age Concern

### Divided tastes in the buffet

Bristol: British Rail buffet car research has revealed that Britain is still a divided nation. In the home counties, customers tend to choose prawn sandwiches and drink gin and tonic. In the North, bacon butties are accompanied by cans of bitter top. On runs to Newcastle, the most popular order is a jam sandwich with Newcastle Brown ale.

### Pole position

Tokyo: A Japanese adventurer is reported to have become the first person to reach the South Pole by motorcycle, completing a unique double. Shinji Kazama, aged 41, is reported to have reached the pole on January 3, a month after he set out from base camp. In 1987, he became the first motorcyclist to ride to the North Pole.

### Shoppers flee

New York: A fire in a store room forced the evacuation of about 2,000 shoppers and employees from Macy's store in Manhattan. (APF)

### Dropping out

Canberra: Scientists on motorcycles linked to military satellites are counting sheep, goat and kangaroo droppings in the Australian outback to try to stop soil degradation. (Reuters)

### Final pint

Preston: Nellie Crowley, aged 72, a barmaid, has retired after pulling 3,494,000 pints at the Fulwood and Railway Hotel.

### Cat's-eyes encounter rival road reflector

By KERRY GILL

CAT'S-EYES, the ingenious devices that have helped to keep night-time drivers on the right side of the road for almost 50 years, are in danger of being superseded.

The reflectors, invented in 1934 by the Yorkshireman Percy Shaw, have a rival in the brainchild of a Scottish inventor, Nigel Buchanan, who has developed a device that has a superior cleaning mechanism and can change colour to warn drivers of the danger of black ice.

Cat's-eyes, a simple but immensely practical invention that no one has hitherto been able to better, have two pairs of reflective prisms in a rubber pad. When a car drives over them the prisms are cleaned as they move against the rubber.

In polar eyes, the reflectors are immersed in fluid and protected by a self-cleaning outer lens, allowing reflection from a car's headlights to remain at its optimum level. There are two fluids within the lens reflector, one clear and the other coloured.

Mr Buchanan said: "As the clear fluid contained in the inner lens contracts below 2°C, the coloured fluid is drawn into the gap between the two lenses occupied by the clear fluid thereby changing the colour of the reflected light."

Mr Buchanan said that polar eyes would last for at least three years, compared with six months to a year for cat's-eyes on busy roads. On quieter roads the polar eyes would also be superior, being cheaper and easier to install or replace.

## Yard investigates case of the reluctant 'W'

By STEWART TENDLER, CRIME CORRESPONDENT

SIR Peter Imbert, the Metropolitan police commissioner, and his senior officers are to debate putting the "W" back into WPC after complaints by London policewomen that its removal 18 months ago has created confusion.

The prefix was dropped in police orders in July 1990 after a recommendation from equal opportunities experts in the force's Plus team, working to modernise the force's ethos. Now, women officers have complained that the decision, which affected over 3,000 female constables, sergeants and inspectors, was taken without consultation. Angry letters have been written to the force news-

paper and some women officers have simply refused to shed the prefix. Supporters of the old title say that its absence causes confusion among the public and in the force. Husband and wife officers receive each other's mail.

Opposition to the change prompted a woman officer in Bow, east London, to canvass colleagues about the prefix and officers in west London began a petition to bring back WPC. The survey found a "majority for the 'W'", prompting Scotland Yard to agree to review the abolition.

The review comes as Essex has just become the latest force to renounce the female tag. It is to go this spring.

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# Tokyo politician takes another swipe at America

FROM JOANNA PITMAN IN TOKYO

ONCE again demonstrating the knack of senior Japanese politicians to utter astonishingly gauche remarks, Yoshio Sakurachi, aged 79, claimed that the US-Japan trade imbalance was the result of the laziness and illiteracy of American workers. "If America does not watch out, it will be judged as finished by the world," he added.

Mr Sakurachi, Speaker of the House of Representatives, was quoted in national newspapers here as saying that America had become "Japan's sub-contractor". American standards of education had sunk to such a level, he said, that managers were unable to issue written orders because 30 per cent of Americans cannot read.

Yesterday Mr Sakurachi regretted that his remarks had been "short of explanation and liable to cause misunderstanding". But a television newscaster's response to them — "We are ashamed of him because he let his true feelings be known" — highlights the most alarming aspect of the incident: that Mr Sakurachi's crime was not his opinion, which is apparently widely shared, but its public expression.

Kiichi Miyazawa, the prime minister, yesterday also appeared to retract comments which had suggested he was backing away from an agreement to buy more American cars and car parts. The deal was negotiated during President Bush's recent Tokyo visit.

Mr Miyazawa contended that he was misunderstood when he said in a television interview that the agreement

was "a target rather than a firm promise". But Koichi Kato, the prime minister's chief spokesman, said yesterday: "We will not back off on our pledge midway. It is all right to regard statements on sales by Japanese manufacturers as promises."

Japan's politicians have an unusual aptitude for self-inflicted humiliation. Inappropriate remarks, accusations of sexual dalliances or dabblings in corruption have become almost daily hazards for



Watanabe: uproar on his visit to the US

the ruling Liberal Democratic party. The mute electorate, in large measure shamefaced and apologetic about its elected representatives, simply tends to dismiss their antics with a shrug.

America seems to be taking the brunt of the Japanese political establishment's verbal blunders. On an inspection of Tokyo's red-light district in 1990, Seioku Kajiyama, the then newly elected justice minister, compared prostitutes to blacks, saying they spoiled areas just as in

America "neighbourhoods become spoiled because blacks move in and whites are forced to move out".

Michio Watanabe, the foreign minister, caused an uproar more recently when he said: "In America, where credit cards are widely used, a lot of blacks, and so on, just think 'we're bankrupt, we don't have to pay anything from tomorrow'."

Akio Morita, the chairman of Sony, has just published an article in which he says that Japan's single-minded pursuit of economic pre-eminence has had a detrimental effect on the standards of living of the Japanese people. He argues that Japanese companies should try to achieve something more than just "producing good products at low prices", and suggests that an enlarged business focus would help to alleviate Japan's long working hours, raise salaries and offer higher dividends to shareholders. It would also encourage more charitable contributions and greater consideration of environmental protection.

The remarkable expansion of Japan's international economic power, which appears to grow relentlessly, does not seem to be aimed at making life for the ordinary person more comfortable. While Japan's economic policies, designed and carried out by the bureaucracy, are intended to promote national security, the apparently ceaseless pursuit of an economically more powerful Japan seems to be beginning seriously to alienate other countries, so undermining this aim.



Spot on: Phyllis Sones from Chicago, dressed for the occasion, is nuzzled by Gantry, an 18-month-old Dalmatian, while waiting for the start of Dalmatian judging at the 77th annual dog show of the Wisconsin Kennel Club in Milwaukee

## Miami's Cuban exiles protest over execution

BY OUR FOREIGN STAFF

CUBAN exiles took to the streets in Miami's Little Havana after one of their number was executed by a firing squad in Havana.

Eduardo Diaz Betancourt, aged 38, was shot on Monday after international appeals for clemency had been rejected by the Cuban supreme court and the council of state headed by President Castro. Dozens of Cuban-Americans honked car horns and screamed: "Fidel Castro assassin!" as they gathered near a monument to the failed 1961 Bay of Pigs invasion.

The executed man, who fled from Cuba to Miami nine months ago, was accused of leading a three-man terrorist infiltration squad. The father of one of the other two men captured with him was jailed by Cuba after taking part in the Bay of Pigs invasion.

Diaz Betancourt and two long-time Miami residents, Daniel Santovenia Fernandez, aged 36, and Pedro de la Caridad Alvarez Pedrosa, aged 26, were captured after landing a raft on the Cuban coast on December 29. They were convicted of terrorism after a summary trial. The government said they were carrying guns and explosives and had planned to sabotage theatres, shops and other civilian targets.

The 31-member council of state ruled that Diaz Betancourt was primarily responsible for the infiltration. His co-accused initially had been sentenced to death, but the council last week commuted their sentences to 30 years in jail. Nonetheless, the sentences are harsh compared to those that were meted out to exiles captured during the Bay of Pigs invasion.

Santovenia Fernandez's father served two years in a Cuban jail for his involvement in the affair. The Cubans said that since Santovenia Fernandez and Alvarez Pedrosa had spent most of their lives in Miami, the exile community they were simply victims of its virulently anti-Castro environment. Diaz Betancourt, by contrast, had enjoyed all the fruits of Cuba's revolution only to betray it, the Cuban media said.

Diaz Betancourt, who fled to the United States last May, has no relatives in Miami. Acquaintances described him as someone who hated Fidel Castro and was frequently in trouble in Cuba because of black market dealings.

In Florida, a spokesman for the Alpha 66 group, which holds weekend combat training sessions in the Everglades, said that the plight of the three men had strengthened the exiles' cause. The Cubans had brushed aside an international campaign to stop the executions. The United States, Spain and numerous leaders and cultural figures had issued calls for clemency.

A White House spokesman had no immediate comment on the execution. US officials had denied Cuban allegations of official American involvement in the alleged sabotage mission.

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## Bush caught in down spiral as boom goes bust

FROM MARTIN FLETCHER IN DURHAM, NEW HAMPSHIRE

IN January 1989, Peter Land Sylvia Donahue travelled 500 miles to Washington from this pleasant university town in southern New Hampshire to watch George Bush's inauguration. They were committed middle-class Republicans with much to celebrate.

The state had experienced one of the most spectacular booms in its history. To capitalise on an acute housing shortage, they had borrowed \$595,000 (£332,000 at present exchange rates) to build seven flats on the back of the house where they had lived for 25 years. All were rented out to young professionals and would, they thought, provide a comfortable income when they eventually retired.

The recession set in. Just as few states had grown so dramatically during the 1980s as New Hampshire, so few collapsed so utterly. Property prices plummeted, dragging rents down in their wake. Soon the Donahues' income no longer covered their mortgage costs, although the flats remained full, and their entire property was worth less than the loan. A week before Christmas the bank foreclosed on them. Last Thursday, a day before their property was due to be auctioned, Mr Donahue filed for bankruptcy in a last attempt to save his home.

President Bush faces a fight for his political life in New Hampshire's primary next month, and it is not hard to see why. From the old mill towns of the north and west to the new Boston dormitory communities in the south, this is a state that is truly "hurting".

People talk not of the recession but of the "depression". The *Manchester Union Leader*, the only statewide paper, carries three or four pages of legal foreclosure notices daily. The defence and high-tech industries on which the 1980s boom was built have shrivelled.

Corporate and personal bankruptcies rose from 835 in 1988 to 3,848 last year. Commercial property values have fallen by half, residential values by up to a third. One in ten of the state's jobs has disappeared. Food stamp recipients have nearly tripled. The rate of new welfare applications is the highest in the country. Still worse, New Hampshire is caught in a downward spiral caused by an acute banking crisis.

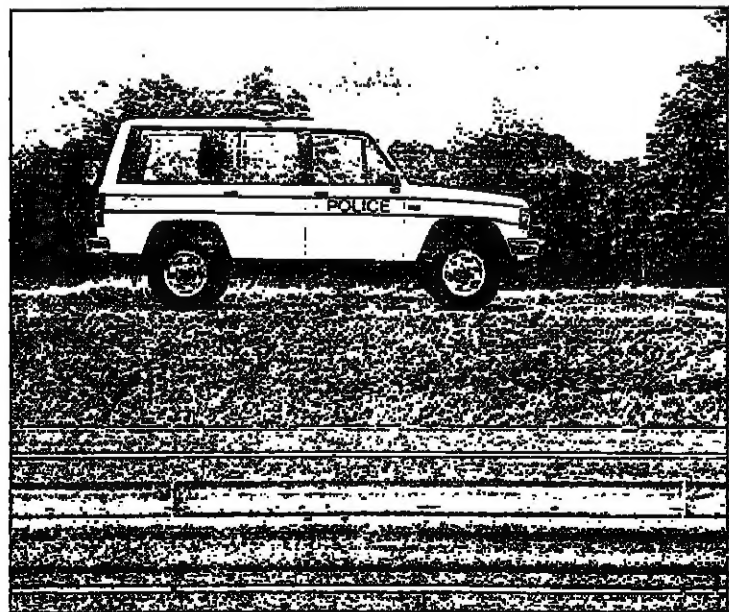
The state's banks lent recklessly during the 1980s. Five of the seven largest have now failed, principally because of the property slump. The Federal Deposit Insurance Corporation, which must repay insured depositors, has stepped in, using liquidators to foreclose on "bad" loans to minimise its losses. The "bad" loans include viable businesses, current in their payments, whose collateral value has diminished because of the recession. The liquidators are on commission and have displayed minimal forbearance. They close and sell indiscriminately, flooding the property market, further depressing prices, eroding the tax base. "The medicine they're using to cure the situation is killing the patient," said Mrs Donahue.

Peter Stoohard, page 14



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## Leakey offers a way out in clash over elephant trade

FROM JAN RAATH IN HARARE

RICHARD Leakey, head of Kenya's wildlife service and the driving force behind the international ban on the ivory trade, has offered Zimbabwe a trade-off to soften its stance on the elephant controversy.

His low-key presence in Zimbabwe, where he is regarded as the main saboteur of the conservation authorities' strategy to "farm" the country's abundant elephant population and to use ivory to help pay for the survival of the species, adds unexpected dimensions to the convention on international trade in endangered species meeting in Kyoto in March.

Dr Leakey says that he will vote in Kyoto for Zimbabwe's proposal to remove the African elephant from the convention's appendix one, which forbids cross-border trade, and to permit controlled trade in elephant by-products. There was a proviso, however, that the trade should be limited to products such as hides and meat, and that ivory should remain on the banned list for at least the next three years. That would allow Kenya's elephant population to continue to benefit from the reported slump in poaching there. "Kenya's position is that there is no

trade in ivory for the next three years," he is quoted as saying.

Dr Leakey's compromise was confirmed by officials of non-government conservation bodies, who said that he made it on more than one occasion. There are reports that his offer was rebuffed. They also expressed surprise at his support for Zimbabwe's

elephant management system and the policy of culling elephants to prevent their becoming too numerous.

He was also quoted as saying that Kenya hoped to participate in an international ivory marketing cartel, proposed by Southern African states once the East African elephant population had recovered.



Trunk call: Dr Leakey will let Zimbabwe sell elephant hides if the ivory ban continues



## Rescuers bring air crash victims down from icy mountain to loved ones below

### Survivors tell of last terrifying moments

FROM SEAN MCCARTHAUGH IN BARR  
AND PHILIP JACOBSON IN PARIS

ON THE cold side of the mountain, in the snow and ice, the Red Cross teams work in relays to cut the dead from the mangled fuselage of the Airbus that crashed near the Alsace village of Barr on Monday evening. All hope of finding any more survivors has long gone.

The wreckage is not strewn over a wide area as it was after the Lockerbie bombing, but the front half of the plane has fallen apart. The passengers here were hurled through the air, many with their seatbelts still attached, when the Air Inter flew into dense woods. In the rear of the fuselage the bodies are relatively intact.

Down the mountain, in the picturesque village itself, the bodies continued to arrive at the town hall all through yesterday. They were brought by blacked-out military ambulances past soldiers and television crews. Medical staff laid out the bodies in the building's biggest room, trying desperately to make them presentable before the relatives arrived.

They came in twos and threes. All knew why they had come: to identify a loved one. Some, however, seemed still to nurse some small hope; perhaps it was all a terrible mistake.

The airline's representatives gave what official comfort they could. Edith Creson, the French prime minister, arrived after abandoning a state visit to Italy. The transport minister announced an inquiry.

The few survivors could give only anecdotal evidence as to why the plane may have crashed. "Every-

thing was normal, then suddenly the plane took a bad trajectory. I saw lots of trees for hundreds and hundreds of metres. That really shook me up," one said from his hospital bed.

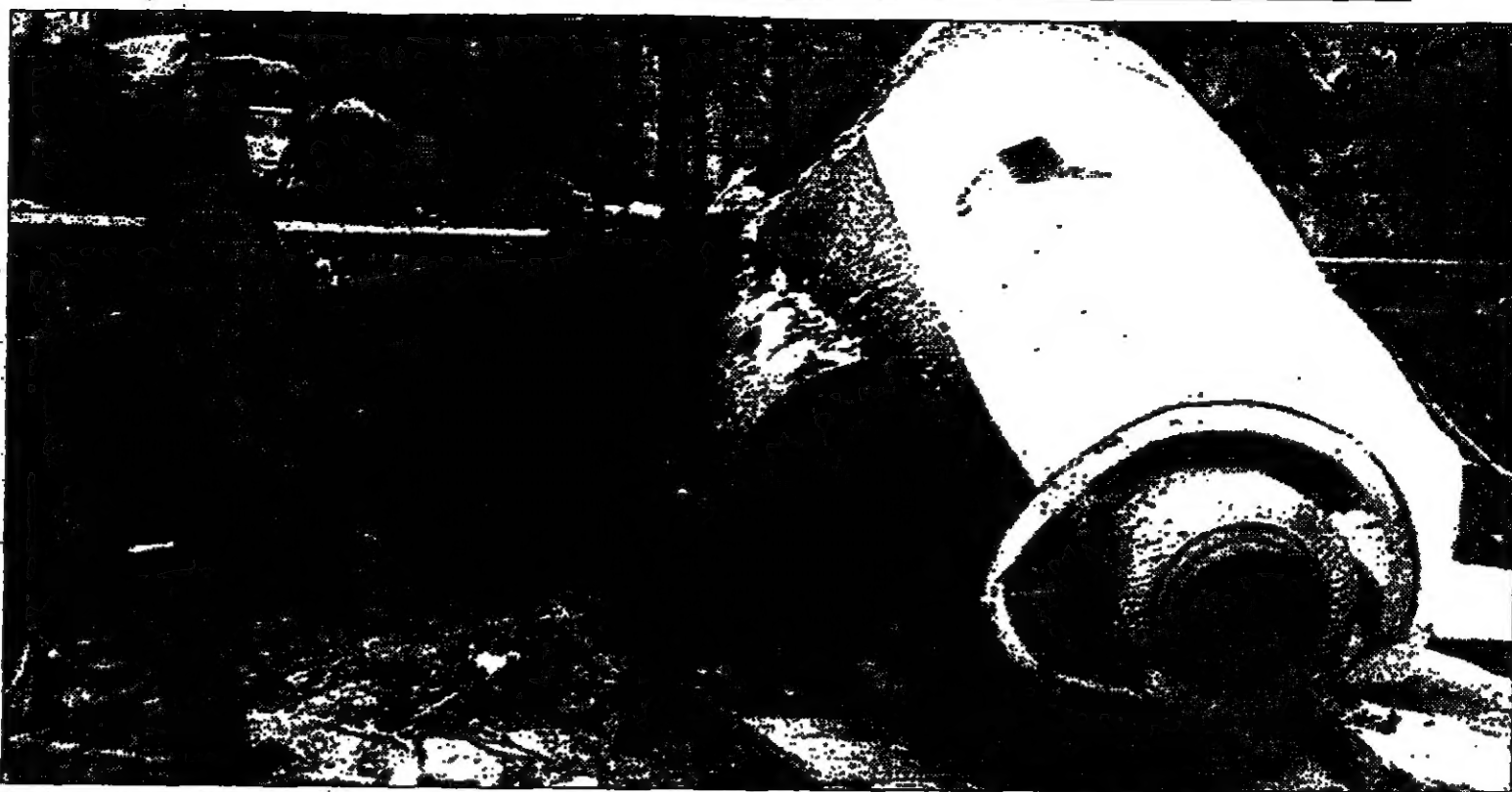
"We were thrown to the right, to the left, my head lurched forward, then I was forced backwards. I thought, 'This isn't really happening, it's a bad nightmare,'" he said.

The moving, sometimes horrifying, television coverage of what happened to flight IT5148 brought the tragedy into millions of French homes with a raw but compelling impact that was driven home by the first pictures of a handful of deeply shocked figures standing motionless in the snow next to the wreckage.

Starting into the camera with blood-drying from severe facial wounds, Pierre Cota, a businessman aged 45, who was earlier shown sheltering a young boy in his overcoat, spoke with a calm about the moment the crash happened. "Everything seemed to go very quickly, we were coming in to land, then there was a lot of noise, and I don't know how, but we just fell to the ground. At first I thought we had hit another plane on the runway."

When the impact came, M. Cota recalled, "there were bright lights, everything seemed to be moving around, then after a few seconds I realised it was time to get out quick." Grabbing the child, aged nine, who was sitting beside him in the rear of the plane, as had been all of the survivors, M. Cota escaped and hurried away.

Crash news, page 1



Land fall: a soldier standing by the wreckage of the Airbus in the woods of the St Odile mountain, about 25 miles from Strasbourg

### Computer error by pilots suspected

By HARVEY ELLIOTT, AIR CORRESPONDENT

A FATAL computer programming error by the pilots of the Airbus A320 jet which smashed into a French mountainside was emerging last night as the most likely cause of the crash which killed all but nine of those on board.

Safety experts, anxious to discover if anything had gone horribly wrong with one of the world's most advanced passenger aircraft, took over simulators from Airbus customers around the world to try to recreate the last minutes of flight IT5148 as it approached Strasbourg airport. Slowly, although with no real proof that their theories were right, they began to build up a picture of confusion in the cockpit.

What they know for certain is that the Air Inter jet should have been at about 9,000 ft, well above the highest peak in the Vosges mountains, as it headed in thick fog towards Strasbourg at the end of an hour-long "milk run" flight from Lyons.

All the navigation maps for the area give the "safety sector height" — the minimum altitude at which any aircraft may fly — as 4,700 ft. Yet the A320, with its 90 passengers and six crew, hit a mountain at no more than 2,500 feet above sea level.

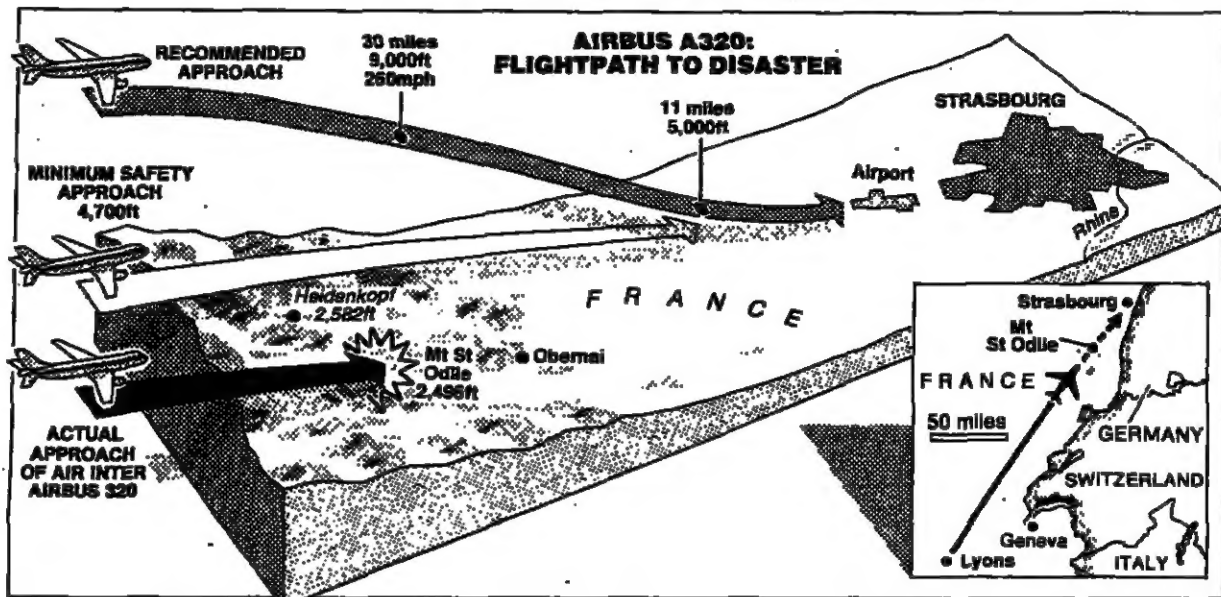
Height is the one parameter not automatically controlled by computer in the Airbus. It is up to the pilots to tell the aircraft's five computers what height they want to fly at by dialling in a particular altitude.

The track the aircraft flies

can be programmed in before take-off and the computers then automatically follow it.

If the pilot decides to make a manoeuvre which is outside the aircraft's own "safety envelope" the computer will refuse to accept his com-

mand. But it cannot tell the pilot whether he is actually heading straight towards a mountainside until a few seconds before impact when lights and buzzers, known as ground proximity warnings, sound the alert — probably too late.



### Metro's police go tagger hunting

FROM PHILIP JACOBSON  
IN PARIS

THE arrest of two French teenagers suspected of vandalising the Louvre Metro station with huge spray-painted slogans ten days ago has provided a revealing glimpse of the world of the Parisian "tagger".

It has also emerged that the special force responsible for policing the capital's underground network maintains an extensive library of photographs and video tapes to help them match the most active taggers with examples of their work and method of operation.

The two youths now in custody were caught because it is a matter of pride among members of their gang — one of almost 50 in Paris — to sign everything they do with the initials CMP, for Comité de la Mafia Parisien. Investigators were able to identify the gang's preferred area of operations and then mount an intensive search for those responsible for vandalising the most elegant Metro station.

The hunt paid off earlier this week when police discovered freshly painted CMP tags on a building, then picked up the suspects nearby. They were carrying 26 cans of aerosol paint and a master key giving access to the platforms after closing hours. Collections of press cuttings and photographs showing taggers' work were also found in their possession.

It is not clear whether the youths were responsible for disfiguring the Louvre station in a raid nine months ago, but transport police sources believe they have arrested central figures in the gang.

According to French press reports, Paris taggers have become so sophisticated that they now carry scanners tuned into Metro police radio frequencies, and there is a thriving trade in master keys and plans of tunnels. The annual cost of cleaning up behind them has been estimated at 100 million francs (about £10 million). Still new legal penalties range from heavy fines, accompanied by compulsory cleaning duties, to up to two years of hard labour.

### Delhi's Russian links fade

DELHI: The end of India's special relationship with Moscow, which has been a cornerstone of foreign policy for 21 years, is spelled out in the draft of a new, watered-down treaty that the two sides are expected to sign in the spring (Christopher Thomas writes).

It removes the central provision of the Indo-Soviet Friendship Treaty of 1971 under which both sides agreed to help the other in the event of war. India had wanted to save some of the warm language of the old accord, but Russia seems to have balked at acknowledging any kind of special relationship. President Yeltsin is due in Delhi in March or April to sign the pact.

Delhi has suggested that the two sides at least agree to consult each other in the event of armed conflict, but Russia has yet to say whether that is acceptable.

### Algiers violence

ALGERS: Groups of youths attacked security posts and road-blocks with stones and bottles in spite of a warning from the government against attempts to destabilise the new regime. Soldiers fired warning shots. (AFP)

### Haiti accused

LONDON: Four months after the overthrow of Jean-Bertrand Aristide as president, arbitrary arrests, torture and unlawful executions are continuing in Haiti, according to a report released by Amnesty International.

### Congo plea

BRASZAVILLE: André Milongo, prime minister of Congo, came out of hiding to appeal for national calm after mutinous soldiers demanded his dismissal. He met his cabinet at an official building near his home. (Reuters)

### Testing time

SCOTLAND: The annual stampede by thousands of South Korean pupils taking university entrance tests has been postponed because the examination papers have been stolen. The education minister has offered to resign. (Reuters)

### Spain sobers up to 1992 as golden bubble bursts

FROM FRANK SMITH IN MADRID

A CARTOON in a Madrid newspaper recently depicted a man carrying a banner which read: "Rejoice — there are only 356 days to the end of the year."

The year 1992 had acquired almost mystical dimensions in Spain. It is the year not only of the single European market but also of the Barcelona summer Olympic Games, the Seville World Fair and the 500th anniversary of Columbus's voyage. But Spaniards are waking up to the realisation that, for all the hype, many of their country's perennial problems remain unresolved. The 1992 bubble has burst.

The year started with a brutal wave of terrorist attacks — two of them in Barcelona. Five people killed by ETA gunmen in almost as many days provided a reminder that while Basque terrorism is confined to a tiny minority, it is still an open sore in the body politic and there is no magic ointment that can make it go away.

This sober mood, accompanied by daily reports in the press of alleged corruption at the highest levels — culminating in the resignation last week of a cabinet minister — irritates the government, which accuses the opposition of deliberately spreading despondency and undermining Spain's economic and political prospects. This led to an outburst at the weekend by Felipe González, the prime minister, on a tour of Latin America. Señor González dismissed recent scandal-mongering as attempts by opposition politicians to hide their dirty linen.

"It is the sign of an opposition which is desperate because it knows it cannot replace us," Carlos Westendorp, Spain's minister for Europe, said. "Spaniards should not be depressed, there is plenty to celebrate. But the danger is that, if they continue to believe the reports of gloom, they will turn them into a self-fulfilling prophecy."

But the grey mood extends beyond depression over off-

cial corruption and horror over the randomness of the extremist's guns. "There is a mood of disenchantment," said Pedro Schwartz, professor of economics at Madrid University. "1992, now that it is here, already has a stale taste. What Spaniards are now asking is: who will pay the bills in 1993?"

It is partly to do with the fact that the good times are over. The bubble of several years' rapid growth following Spain's accession to the European Community has burst. A growth rate of 5 per cent is a thing of the past. Even at 2½ per cent it is not at all bad — but Spaniards are beginning to feel the pinch of deflation.

This is particularly so in those parts untouched by this year's big celebrations. "For us," said Javier Arzalluis, the leader of the Basque Nationalist party on his re-election last week, "1992 is only the beginning of the countdown to 1993 and the European single market."

For the industrialised north the competitive edge needed to succeed in Europe is blunted. "We should have recovered our steel industry 20 or 30 years ago," says Javier Aguirre, director-general of the Bilbao chamber of commerce in the Basque country.

### Assertive Germany wins US applause

FROM IAN MURRAY IN BONN

THE United States welcomes "German assertiveness", Robert Kimmitt, the American ambassador, said yesterday in a careful speech aimed at encouraging greater participation by Bonn in world affairs outside Europe.

At the same time he made plain that Washington does not want to see Germany flexing its muscles and acting on its own. There is still concern in the State Department that the German-led recognition of Croatia and Slovenia by the EC could have dangerous consequences.

Lawrence Eagleburger, the American assistant secretary of state, this week again criticised the EC's recognition of the two republics, and said it was clear that Germany had more weight in the Community since unification. He was not concerned about German assertiveness, however, although he foresaw there would have to be changes in EC procedures.

The ambassador yesterday politely made it clear that in future Germany should use its strength only to further joint agreed policies. "Much has been said and written in

recent weeks, almost all by unnamed sources, that Americans are concerned or even disturbed by German assertiveness," he told the Friedrich Ebert Foundation. "Let me state, clearly and unequivocally, that we welcome and value this German assertiveness." Mr Kimmitt said, adding pointedly that this needed to be shown "in collective actions designed to achieve common goals and objectives."

German preoccupation with unification, the collapse of the Soviet Union and the break-up of Yugoslavia mean little attention has been paid in Bonn recently to world problems outside Europe. American, French and British criticism of Germany's role in Yugoslavia stung the chancellor last week into asserting that his country had nothing to be ashamed of and other countries would have to learn to live with the reality that Germany was "the number one economic power in Europe." He admitted, however, that this meant Germany had new responsibilities, and Mr Kimmitt noted this "with satisfaction".

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## Seizure of key bridge leads to Georgian ceasefire

FROM REUTER IN GRIGOLETTI, GEORGIA

IN THE wake of a key battle and as a result of negotiations in this remote village, forces loyal to Georgia's President Gamsakhurdia yesterday agreed a truce with troops of the government that toppled him from power.

Tengiz Baramidze, mayor of the nearby Black Sea city of Poti, and representatives of the government forces sent from Tbilisi, the capital, agreed to lay down their weapons at 14.00 GMT and to arrange further peace talks. But it was not certain that the ceasefire, arranged in an area which provides the base for Mr Gamsakhurdia's attempts to regain power, will hold, or even if it covers all the region's trouble-spots.

"We decided we must stop this war. It is enough. On the other side of the barricades are Georgians. They are our sons," said Mr Baramidze.

Mr Gamsakhurdia called for civil war after returning to

his native Mengrelia, in the west of the Transcaucasian republic, from temporary exile in neighbouring Armenia. Anti-Gamsakhurdia forces, which head a military council and provisional government, sent troops to the area to put a stop to his attempt to return to power.

In fierce fighting yesterday, forces of the military council captured a bridge over the river Tskhenis Tskali, outside the key rail centre of Samtredia, thus opening the way to an advance on Poti. "We will develop this attack. We will drive them into the sea," an exhausted Jaba Ioseliani, co-chairman of the council, said.

A police car raced through the streets of the town broadcasting appeals for blood donors. Aircraft from the former Soviet air force swooped low over the scene of the fighting before turning away without intervening.

Four government soldiers were killed in the battle and six others were wounded. There was no immediate news of casualties among the forces who are loyal to Mr Gamsakhurdia.

The battle for the bridge began when loyalists abandoned their sniper campaign and launched an assault on government positions. Heavy artillery and automatic gunfire shook the area.

Mr Baramidze said that, after the breakthrough by military council troops at the bridge, he talked by telephone to Mr Ioseliani, who agreed to draw up a peace plan.

Mr Gamsakhurdia, elected by a landslide in free elections last May, has been accused by the opposition of governing like a dictator. He was forced from office on January 6 after coming under siege in the now gutted Georgian parliament building in Tbilisi.

● Kiev: Ukraine will complete the swearing in of the estimated 750,000 former Soviet army and air force servicemen on its soil within the next fortnight, according to General Konstantin Morozov, the republic's defence minister (Robert Seely writes).

Although the general said yesterday that the task was "almost complete", he admitted that up to 30 per cent of Russian and other former Soviet nationals in some of the military units had refused to take the Ukrainian oath of allegiance.

The speed with which the republic has proceeded to take over former Soviet forces here means that when President Kravchuk meets his Russian and other partners in the Commonwealth of Independent States for their next summit, to be held on February 14 in Minsk, the Belarusian capital, he will present them with a fair accolade.

Comp theory, page 1

## Kazakhs confirm nuclear arms test

BY MICHAEL BINYON  
DIPLOMATIC EDITOR

KAZAKH officials yesterday confirmed reports that a long-range nuclear missile was test-fired from its territory last month, but said that they had no control over the powerful central Soviet military authorities at the time and were not given details.

President Nazarbayev reassured Douglas Hurd, the foreign secretary, that Kazakhstan, one of the four independent nuclear republics, would abide by international arms control agreements. British officials said yesterday that the firing, which has stirred controversy within the former Soviet Union, did not raise any new worries about the republics' commitments to the Minsk and Alma Ata agreements on maintaining unified control over the Soviet nuclear arsenal.

Kazakh officials told *Izvestia* that a modified SS-19 — an intercontinental ballistic missile with a range of 6,000 miles was fired from the Tyuratam launch site on December 20. They said that the final order rested with the commanders of the strategic forces.

The firing itself did not breach the Strategic Arms Reduction Treaty (Star) as this has not yet been ratified. However, the ban on emitting the test data came into force in November, and the reported encryption of the missile's data did, therefore, represent a technical violation.

*Izvestia* on Monday night also quoted General Yuri Gusev, responsible for central space armaments, as confirming the launch, which he said was scheduled months in advance before the breakup of the Soviet Union. He said that the SS-19 was modified for a space shot but gave no details of its purpose.

Mr Hurd was told nothing of the incident during his discussions earlier this week with Mr Nazarbayev. These covered Western concerns over the possible leakage of Soviet nuclear technology and movement abroad of nuclear engineers, as well as observance of the nuclear non-proliferation treaty by the four republics.

Mr Nazarbayev gave a firm promise that his government would try to prevent any leakage of nuclear technology or personnel. However, despite a promise to sign the non-proliferation treaty, he appears unwilling at this stage to do so as a non-nuclear power, believing that the weapons on Kazakh soil might still be useful as a bargaining chip.

However, Mr Hurd was reassured that Kazakhstan is ready to scrap tactical nuclear weapons. It wants time and Western aid to get rid of all nuclear weapons.

The foreign secretary was warmly received by leaders of all three republics, who were grateful for British aid and political support. In a lengthy meeting, President Yeltsin was frank about Russia's tensions with other republics, especially Ukraine.



Warrior women: armed female members of the Serbian territorial defence force gathering near the town of Titova Korenica in Croatia yesterday

## Serb bishops attack deal

FROM TIM JUDAH AND DESSA TREVISAN IN BELGRADE

THE bishops of the Serbian Orthodox Church have criticised the government of President Milosevic and condemned the United Nations peace plan for Croatia.

In a message issued by the Holy Synod of the Orthodox Church, the bishops described the situation as a "terrible hour of our history", saying that people's confidence in the leadership of Serbia and Yugoslavia was "seriously shaken".

The Serbian Orthodox Church has always been identified with the Serbian state, and on Saturday Mr Milosevic had a three-hour meeting with Patriarch Pavle, but the bishops' outburst has no precedent in modern history. The bishops' statement is a serious blow for Mr Milosevic, especially as they side with militant Serb leaders in Croatia who are refusing to accept the UN plan signed by Mr Milosevic.

"In the name of the entire Serbian nation, the church rejects all deals," says the bishops' statement. "Such deals the church would only recognise if they were the result of a consensus of all Serbs."

The vast majority of Serbs are Orthodox while Croats are Roman Catholic. Centuries-old religious rivalry has been overlaid with nationalist. Unlike in many former communist countries, the Serbian Orthodox Church

has not experienced a religious revival, but it has moved to recover its political position and its role as moral mentor of the nation. The quarrel between Mr Milosevic and Serb leaders in Croatia has presented the bishops with an opportunity to exploit political divisions for their own interests.

"Especially now, many Serbs feel that the church role in politics is essential because religion is just about the only difference between Croats and Serbs," said Professor Bogdan Denitch, a Serb political sociologist from Croatia. "It is not a question of religion, it is a question of identity. In this sense the conflict in Croatia is like Northern Ireland. You do not have to be religious to state your identity."

ZAGREB NOTEBOOK by Anne McElvoy

## Hitler's ghost takes seat at Croat feast

The singer, decked in a pink evening dress, has the dewy look compulsory for Croatian singers who dominate evening television schedules. Her song is the newest popular hit, a mark of gratitude for Germany's staunch defence of its independence cause.

In between choruses of *Danke Deutschland*, the song tells of an overflowing heart, a dream come true and an eternal bond. It is a suitable representation of the new German-Croatian relationship which, in the aftermath of recognition, has taken on the intensity of an over-the-top love affair.

There are paeans and endless media profiles of Helmut Kohl, the German chancellor. In the Adriatic port of Split, one cafe owner has renamed his hostelry Cafe Genscher after Hans-Dietrich Genscher, the foreign minister whose about-turn on the subject of independence last July provided the foundation for the later German patronage of Croatia and Slovenia's cause in the European Community.

It is a good time to be a German in Zagreb: Handshakes, free drinks and broad smiles are the standard welcome. Britons can expect tight-lipped enquiries about the less than enthusiastic British embrace of independence.

The only shadow over the German-Croatian relationship is cast by the past. For as unacceptable as it is to allude to the fact in either Germany or Croatia, the last time the bonds were so close was when Hitler instigated the Nazi-backed Ustasha regime in Croatia from 1941 to 1945. The new Croatia will be as economically dependent on Germany after this war as it was for its statehood during the second world war.

Despite the space devoted in German newspapers to the plight of Croatia and the required response by the West, the subject of uncomfortable echoes has been studiously ignored. The Croatian government is still mealy-mouthed in its

treatment of the Ustasha period. The mass killing of Serbs still tends to be matched by accounts of Serb killings of Croats, and Croatia's readiness to enter the sphere of Nazi influence is excused by its hankering for autonomy from Serbia.

On Saturday the rehabilitation of Cardinal Stepinac, the wartime leader of the Catholic Church subsequently convicted by the communists of war crimes, took place. Cardinal



Stepinac was indeed unfairly treated, but his role in the Ustasha period and that of the Catholic Church was far from honourable.

On the other side of the lines, in Serbia, there is an outpouring of anti-German spite. Herr Genscher is the new bogeyman, portrayed on one magazine cover as a vampire.

A cottage industry has sprung up producing anti-German propaganda. One of the most polished exponents is Borzidar Dikic, a commentator for the pro-government *Politika* newspaper who was the first to accuse the Germans of aiming to build a new empire from the Baltic to the Adriatic. "What is happening now is pure revanchism," he said. "An attempt by Germany to regain what it lost in the war."

Those of Mr Dikic's persuasion in Serbia — and their ranks are continuing to grow — are convinced that German post-unification is following the same aims as the Germany of the 1930s.

## Sad band of zealots honours Lenin

FROM MARY DEJEVSKY  
IN MOSCOW

FEWER than 250 people turned out in Moscow yesterday afternoon in the vicious cold and snow to commemorate the 68th anniversary of the death of Lenin. Mostly elderly, the sorry little band gathered in front of the Lenin museum, then shuffled for 10 minutes through the snow to the mausoleum in Red Square with their red flags and red carnations.

There, they formed up in a ragged guard of honour and unfurled defiant banners saying "Lenin is still more alive than the living" and pledging a revival of Leninism. In the background the floodlit Russian tricolour, now flying over the Kremlin in place of the hammer and sickle, symbolised the power that the communists had lost.

During the day the head of the Kremlin staff denied a report that Lenin's body would be removed from the mausoleum overnight for reburial in St Petersburg. Rumours have been rife for weeks that Lenin will soon be removed and the mausoleum shut down, but the guards are still in place.

The Russian authorities appear to judge that a change at present would be more trouble than it would be worth. The minimal support yesterday for one of the key dates in the communist calendar showed that for the time being they are probably right.

## Academics resist pressure for Arabic-only teaching

FROM CHRISTOPHER WALKER IN CAIRO

THE spread of Islamic fundamentalism is increasing pressure on Arab universities to teach all courses only in Arabic, raising fears of academic isolation from the rest of the world. Islamic militants claim that Arabic, language of the Koran, has endless depths and can handle new sciences and terminology. But the move is being strongly resisted by many academics and moderate Muslims.

Until the recent explosion of Islamic fervour, scientific subjects in most of the 20 member states of the Arab League were taught in English or French. The arts are taught in Arabic. Abrupt transformations with little preparation have been ordered in Algeria and Sudan, the countries where fundamentalism is spreading most quickly.

Universities in Algeria were ordered recently to teach only in Arabic, a few months after the Islamic fundamentalist movement secured the enactment of a law banning the use of French in government and business transactions. In spite of fines of up to £2,500, the ban is being widely ignored.

The difficulties are more serious in Sudan, the backward country being used by

Iran as the main springboard for spreading fundamentalism. The military junta issued an edict last September barring teaching in anything but Arabic. That has been a crippling academic problem because six million of the 26 million Sudanese are black, non-Muslim southerners who mostly speak English or



Mubarak: opponent of the fundamentalists

tribal languages and have no Arabic. Tunisia has introduced Arabic-only education, but only to the age of about 15. For the moment, sciences have been exempted and will still be taught in French. Bahrain has published a plan for making the conversion which has not been implemented so far.

The campaign is being resisted fiercely in moderate Arab countries such as Egypt and Jordan.

The fierce debate over language for education follows the recent seizure of books at the Cairo International Book Fair by Muslim clerics. In an unprecedented response, the impounding of seven religious books by Egypt's highest Muslim institute was overturned on the orders of President Mubarak, who opposes the fundamentalists.

● British knowhow: The British, who gave Cairo its first sewage system in 1915, were on hand yesterday to inaugurate its long-needed replacement, again largely built and designed by British engineers and backed by British grants and loans totalling £245 million.

The Duke of Gloucester joined President Mubarak at the ceremonial opening of the "Greater Cairo Wastewater Project", designed to cope with a daunting flow of two million tonnes of raw sewage a day. This will rise to over three million by 2000. The labyrinth of tunnels is planned to rid Cairo of the floods of untreated sewage which can affect residential areas.

Leading article, page 15

## Israelis draft in troops

FROM RICHARD BEESTON  
IN JERUSALEM

HUNDREDS of Israeli reinforcements have been drafted into the occupied territories over the past few days, in an action ostensibly ordered to bolster the security forces but also intended to stem right-wing criticism of the government before the elections.

The Israeli defence force said yesterday that Moshe Arens, the defence minister, and General Ehud Barak, the chief of staff, had ordered a 20 per cent increase in the number of troops in the West Bank and Gaza Strip, estimated to be about 10,000. In addition, the activities of undercover army units have been stepped up and a permanent military outpost has been established at Rachaelim.

Yesterday's announcement coincided with official government statistics which confirm the increase in settlements in the occupied territories. The treasury said that in the first nine months of 1991 construction had begun on 6,435 housing units in the West Bank and Gaza Strip compared with 1,820 for the same period in 1990. The 1991 figure represented more than 10 per cent of all Israeli housing construction.

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# Prospects for old gold

Richard Ingrams's *The Oldie* is the latest — but certainly not the last — magazine to be directed at the affluent reader who has reached a certain age

THE Incontinent Richard Ingrams has discovered old age, and the middle-aged pretender — for at 54 he is not yet bus-passed behind the ears — is angry that oldies are being culturally isolated.

There is nothing like a nice bit of rage (real or feigned) to give a new magazine an edge. As a result, *The Oldie*, due to hit the newsstands on February 20 and edited by Ingrams, the founder of *Private Eye*, will have a strong attitudinal focus, even if its age profile is a little blurred.

There are two kinds of magazine editor. There are those like Helen Gurley Brown and her orgasms in *Cosmopolitan*, who want to share with us their newly discovered life experiences, and those like Jenny Greene of *Country Life*, who may not have known her subtle-burning from her 12th-century glass when she became editor, but was smart enough to recruit and motivate writers who did.

Mr Ingrams is of the first variety. The day he discovered that his cultural isolation had more to do with age than intellect must have been traumatic. His reaction was to embrace maturity with the enthusiasm of an octogenarian who pretends he's over 90.

The young are now the enemy. When you can no longer dance to the tunes of youth, you may as well shoot the composers.

His irritation with youth will undoubtedly find an echo among the newly middle-aged. Mass sales are not Mr Ingrams's ambition, but whether his mix of current affairs, arts, history and politics will find a gap in the market or

disappear down a big black hole remains to be seen. The blind courage of a new launch is what makes magazine publishing so exciting.

Even without a magazine to call their own, the upmarket over-45s are not brain dead. Most of the ABC1s (managers and professional classes) from whom Mr Ingrams will build his readership, can read without moving their lips. What they read presents a diverting profile.

The average age of national newspaper readers is 46. Among oldies, the clear winners are the *Sunday Express* and *The Daily Telegraph*, more than half of whose readers are, on average, age 50 or over. This age/class group buys and borrows more books. Six out of ten say they have read a book in the past month; 7 per cent more than five years ago.

Of the 2,200 UK consumer magazine titles, those with the highest proportion of ABC1 readers aged over 45 reflect the advertiser's soft focus stereotype. Thus, as Richard Claydeman plays *Man of War*, we see typical, upmarket oldie magazine readers pottering around their large gardens, lighting bonfires with the *Illustrated London News*, cutting out recipes from the *Women's Institute* magazine or surveying *The Field*.

On wet Saturday afternoons, she flips through the silken pages of *Woman's Journal* (which has been subtly re-targeted to reach this age group) or *Woman & Home*, while he catches up with *Management Today*. In the evenings they sit up in bed



Satired out: Richard Ingrams, an enfant terrible grown up, has gone from *Private Eye* to *The Oldie*

Magazines (excluding newspaper supplements) on the National Readership Survey (April-September 1991) read by ABC1 adults aged 45 and over.

	000s readers	As % of all readers	Index vs population
Population	4,238	18.2	100
<i>Sage</i>	506	61.9	339
<i>The Garden</i>	188	57.5	316
<i>Illustrated London News</i>	90	49.4	286
<i>Home &amp; Country</i>	149	43.1	254
<i>Woman's Journal</i>	281	40.5	222
<i>Choice</i>	115	40.1	220
<i>Woman &amp; Home</i>	785	38.2	210
<i>The Field</i>	105	38.2	209
<i>Expression (GB)</i>	229	37.0	203
<i>Money Observer</i>	57	35.4	200

Source: The Media Factory/IPS

\*"retirement" magazines.

planning holidays, shopping trips and personal investment with *Expressions*, *Money Observer* and *Investor's Chronicle*; money has clearly overtaken sex.

A preoccupation with home design, DIY, a spot of golf and

some high society gossip rounds out the picture.

I do not instantly recognise this composite golden oldie. For example, the average reader of the retirement magazine *Choice* is, at 62, the owner of his own unimor-

gaged home, carries one or more credit cards, has an average income of £17,500, and takes five holidays a year.

And, with articles such as "Sex after hip replacement" featuring strongly, you might assume all readers of *Choice* to be aged well over 45. But this is not so. Four out of every ten ABC1 readers of *Choice* magazine are younger than 45.

In fact, each magazine's mature readership is subtly different. Soon, the changing demographics will force manufacturers and publishers to redefine and sub-divide the mature market.

In 2001 there will be at least a million more 50 to 59-year-olds than today. They will be healthier than their parents were at the same age, and more of them will be working, with income to spend.

None of this is new information to a market researcher, but rarely has a recognised market been so caudously embraced in the magazine and advertising world. This is largely because media-buying decisions are so often made by smart young things for whom anyone over 40 has dropped off the demographic map.

But the column inches devoted to *The Oldie*, an intellectually upmarket magazine that aims to sell no more than 30,000 to 50,000 copies a month, will ensure that the market is talked about, if not taken seriously.

The author is a former editor of *Woman* and *Woman's Own*. Cover story is her monthly review of the magazine world.

## Whose lie was it anyway?

The story was an election-year shocker, and could have severely damaged Labour's chances. If it had been true

THE *Evening Standard* lead of last Friday could not have been more damaging to Labour. Under the headline "Labour's tax will hit one in three", the London evening newspaper reported that more than a third of London's taxpayers would lose under Labour's proposal to increase tax and national insurance contributions by the better off. The newspaper attributed this figure to the "independent and highly respected" Institute for Fiscal Studies (IFS).

This followed Radio Four's 70-day programme, in which Peter Hobbday, the interviewer, suggested to Labour's treasury spokesman, Chris Smith, that one in three voters would be hit.

The story was not only damaging to Labour. It was also untrue. The IFS hurriedly published the study on which the reports had been based. It showed that only 20 per cent of families would lose in London, and 18 per cent in the South-East, from Labour's tax and national insurance proposals.

Excluding the self-employed — and Labour's plans specifically say that it will examine tax for the self-employed separately — the figures drop to 16 per cent in London, and 14 per cent in the South-East. The IFS study also shows that, when account is taken of Labour's promises to increase child benefit and pensions, many more would be better off as a result of Labour's proposals than would be worse off.

On Saturday, the pro-Labour *Daily Mirror* headlined its account of the report, "Labour tax plan is a disaster".

The *Standard* and *Today* stories also damaged the IFS. Although Bill Robinson, the institute's former director, is now a special adviser to Norman Lamont, it is strictly non-partisan, and its reports have often provided ammunition to both parties. The IFS favours the abolition of an upper earnings ceiling for national insurance, proposed by Labour, and to have its study quoted in this way shook Andrew Dilnot, the current director. "I did not eat all day on Saturday," Mr Dilnot says.

What went wrong? Was it a mistake or an anti-Labour conspiracy? The Labour party believes the latter. "The entirely bogus figure has now emerged as simply another distortion, manufactured by Conservative Central Office," Mr Smith says.

Neil Kinnock, the Labour leader, accused the Tories of distortion, and formally complained to the BBC.

Tory Central Office firmly denies that it had anything to do with the stories. It is preparing its own figures, but they are not yet ready, a spokesman says. This account is privately confirmed by the journalists concerned.

Their story runs as follows. Mr Hobbday made a slip in saying that a third of voters would lose; he meant to say a third of tax-payers.

The origin of that figure is mysterious. Some journalists claim that they had gained the impression that it came from the IFS; the institute denies giving any cause for this. It also figured in a Saturday report of the study from Philip Stephens, the *Financial Times's* respected political editor, who said that "other experts" (unspecified) claimed

that, if households which did not pay National Insurance contributions were excluded, the proportion of London losers would be closer to 30 per cent.

Whatever the source of the original error, once it had been reported it split from one medium to another. The *Evening Standard* did not have the IFS report to hand. It failed to contact the institute

early in the day to confirm the figure.

Charles Reiss, the newspaper's political editor, decided to rely on the *Today* programme research. It was after noon before the Labour party protested at his handling of the story, but by then, it was too late to correct it.

The paper set the record right in its next edition, on Monday. By then, *Today* had also corrected its error, by interviewing both Mr Dilnot and Mr Smith again on the Saturday morning.

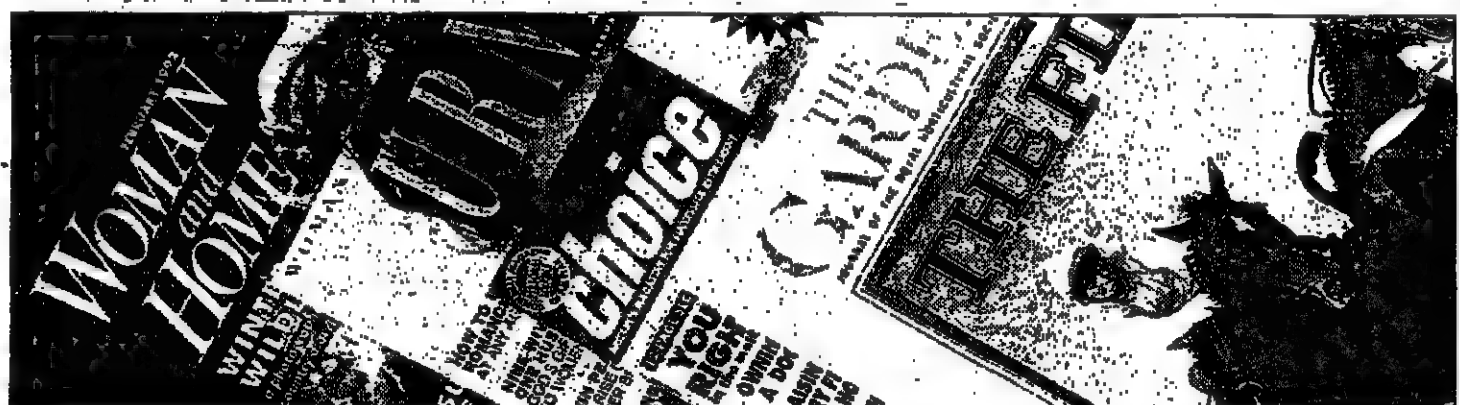
An honest error was made, and honestly corrected. But none of those involved can be entirely proud of their role. The IFS's desire to get its information speedily into the public domain is laudable, but it could have been more careful in promoting its study before publication.

*Today* got its facts wrong. Mr Hobbday misread his brief. And does anyone believe that the pro-Conservative *Standard* would have led the paper under the headline it did if the story had been damaging, not to Labour, but to the Tories?

For the media in the spotlight in an election year, the lesson should be: you cannot be too careful if you want to preserve your credibility.

DAVID LIPSEY

© The author is associate editor of *The Times*.



Covering an ageing market: *Woman and Home*, *Woman's Journal*, *Choice*, *The Garden* and *The Field* have an affluent appeal

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## BBC BBC BBC

### Head of Broadcasting

#### BBC North

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The North Region is already a major producer of network television, (which is to be enhanced further by the transfer of Religious Programmes and Youth and Entertainment Features to Manchester), and of network radio (2,500 hours p.a.) as well as supplying three Regional Television services (over 700 hours) and an extensive local radio output. Manchester is also the home of the BBC Philharmonic Orchestra.

In addition to the management of the programme output, the HoB is the principal representative of the BBC throughout the North Region and represents BBC management at the Regional Advisory Council.

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# Clever checks in the post?

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I simplify, of course, but as recent educational initiatives go, this one is almost alarmingly simple. So simple that one can easily see millions of primary school parents — tormented by that paranoid mistrust of teachers which is whipped up in some sections of the press — grabbing it as a lifeline. While the education secretary's angels wrestle on the head of a pin over "targets" and "assessments", two educational psychologists have taken matters into their own hands.

One is Dr Judith Haynes BA PhD FBPAS — 22 years in practice, a teacher before that, and erstwhile officer of the National Foundation for Educational Research: she has a dyslexic daughter and says she had trouble getting the condition accepted by teachers. "They kept saying that it was me making her anxious." The other is Peter Kendall, BA, PGCE AFBPAS, former teacher and educational psychologist in the Hampshire LEA. "I've had four children pass through state schools."

Together they have started Scholarcheck, the instant assessment-by-post operation described above. They are mild and deli-

cate, educationally unhawkish, and claim to be highly supportive of the teaching profession ("Many super teachers, working their socks off for very little reward and being knocked by all sorts of people"). They present their service as little more than a way in which parents can check on progress, as they would on a child's height and weight. There is, they insist, a need.

"It's difficult for parents to know for sure when to worry about their child's progress. They get a lot of putting-down, especially the women, and don't persist. Teachers discourage independent assessments, so they don't have their own base to argue from. Test results are almost always confidential to teachers and reports are often too general," Dr Haynes says. Scholarcheck, by placing a child against the accepted average for their age, "aims to give parents the confidence to make more informed decisions about education."

A veiled threat, if ever there was one. At least, it was interpreted thus when I spent a sadistic weekend flourishing the sample pack at an assortment of state and private school teachers. The words, "I can't believe it," "I'm glad I'm retiring," and "Crazy" were much in evidence, followed by, "I hope Mrs X doesn't hear about this, she'll do it three times a term." One observed that it was bad enough the quality press printing "sample tests based on a hasty reading" of the national curriculum: the thought of being confronted by a test marked by an outside expert depressed them even more. "Especially when the expert hasn't met the child."

A spokesman from the National Union of Teachers, on being read the promotional material, observed through audibly gritted teeth: "Informed decisions? I am very concerned at the simplistic attitudes behind that. The government's new 'Parents' Charter' offers endless information which was already available, but makes no promises about class sizes, resourcing of schools, the state of buildings... what are they going to do with this information?"

After extolling the generally good relationship between pri-



Progress report: Judith Haynes and Peter Kendall, the creators of Scholarcheck, claim to be supportive of the teaching profession

mary school teachers and parents, she let slip a rather unsupportive code: "Many parents believe their child is a potential Einstein. Home testing of this kind can encourage that mentality." Why should a simple idea like this unleash such fear and loathing? Perhaps this is what five years of public teacher-bashing has done.

Dr Haynes and Mr Kendall stand firm. "We have seen in practice too many cases where children have struggled for years and should have been helped earlier," Dr Haynes says. Their aim, through advertising in national newspapers, is to get direct to the parents, including those who would not think of affording a consultation with an educational psychologist. "Some parents," Mr Kendall concedes, "push too hard. But because of them, we're not taking over responsibility."

Schools that are confident will take this in their stride. "If a child scores worryingly low, they offer a personal consultation for £150, 'deducting the cost of the original test', and advise contact with the teacher. 'But we don't think people should be patronised by being told they won't understand the information so they can't have it. You can't measure intellect, but you can measure literacy and numeracy.'"

**B**efore calling on Dr Haynes and Mr Kendall I had bribed a child (with Brazilian banknote out of *The Times*) to sit the papers. She likes tests, and with many a modish cry of "Aye carumba!" and "Eat my shorts!", batted through them in half an hour, reading from "jam" to "incandescent" although unaccountably failing to recognise "champagne" or spell

"luscious" without an h. Mr Kendall good-naturedly took the papers, unlabelled except as to the child's sex, and rather impressively diagnosed her reading, spelling and maths ages precisely as her school had done; he also correctly guessed her real age from the writing. "So she's a super reader, good speller, and fine on maths, though not quite as high — that's where she should concentrate."

A philosophical difficulty occurred here, as I revealed myself to be the child's mother: why should she concentrate on maths, if she was already up on the average? "In order to fulfil her potential. A bright child should be ahead in every area," Mr Kendall said. The debate remained unresolved. In education, it appears, there will be always be parents who don't care, parents who do, and parents who care far too much; and they

will never see eye to eye. But which of them will use these tests, and the lucrative imitations which will undoubtedly follow?

"Involved parents!" say the authors enthusiastically. "Silly parents, I am afraid," said one teacher dismissively. Another thought there would be two sorts: those who thought their child brilliant and that he or she should be moved up, and those whose children are struggling and won't listen when teachers tell them so.

However, it must be recorded that on seeing the tests even this prep school teacher was gripped by an almost uncontrollable impulse to put her own daughter through them, just once, and see what age she scored. There are some urges from which almost nobody is immune. Well, can you walk past a try-your-strength machine in a fairground?

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## AND BRIEFLY Electronic learning

THE British International Toy and Hobby Fair — a trade only exhibition to which no children are allowed — begins on Saturday at Earls Court. Many toy manufacturers are still reeling after one of the industry's most depressing Christmases, but *The Economist* Intelligence Unit reports a slow but steady growth of electronic learning aids such as "talking computers" and speaking spelling games. The market for 1991 was valued at £23 million — less than a tenth the value of the electronic games market, but has doubled over the past three years. Parental approval is considered a powerful factor in its success. New at the fair this year will be Adam Leisure Grandstand's "Computer Kid" — a compact dual-screen teaching device, and Vtech's Super Smart Start which boasts a 200-word vocabulary and makes spelling and maths fun, as well as teaching computer literacy. Mark Martlocks of Adams Leisure says: "The move over the next decade will be towards making these products more specific to each country, so that they relate to what is being learned in schools." And maybe then they will all stop having American accents.

## Pick of the crop

SENDING an application off early for the pick of the summer jobs can pay — which is why the 1992 *Directory of Summer Jobs in Britain* was published last week by Vacation Work Publications (£6.95). Some summer jobs can bring in up to £220 a week. The book gives details of wages, hours and conditions and qualifications required, together with addresses of whom to contact. And it includes useful advice on how to approach a potential employer and how, if none of the existing options suit, to create your own job.

## Hire quality

FROM February 1, and throughout next month, One Night Stand, the designer dress-hire agency, will be selling off 200 former hire dresses, including those by designers such as Rifat Ozbek, Terence Nolder and Frank Usher for, in some cases, as little as a rental fee (which is between £60 and £120). None of the sale dresses has a huge rip or wine stain, the shop says — the sale is just a way of making room for 750 new rental dresses on the rails, together with jewellery, wraps and gloves. One Night Stand is at 44 Fimlino Road, London SW1W 8LP (071-730 8708).

VICTORIA MCKEE

Can a simple conversation really help with mortgage arrears?

## Counselling houses

**A**s office workers scrambled to their desks early one morning in the City last week, inside the Bradford & Bingley's imposing office in Moorgate a mortgage counselling session was in progress. It was one of more than 600 the building society would conduct that week.

In the chair, immaculate in striped shirt and cufflinks was Colin Firth, the branch manager. To his right was a rack of pamphlets advertising the Bradford & Bingley's mortgage wars.

Opposite was Sybil Somers, a middle-aged woman in a yellow raincoat. Mrs Somers had requested the meeting to discuss the £128,250 mortgage on her semi-detached home in Hackney, bought two years ago for £135,000. The arrears on the mortgage stand at £17,000. The monthly repayment was meant to be £1,467.50.

This was Mrs Somers's first meeting with someone from the Bradford & Bingley. Having fallen into arrears, she had had one counselling session, last February, with the Leamington Spa Building Society, which had granted her mortgage before being forced to merge with the Bradford & Bingley last July.

Mr Firth began asking Mrs Somers about her home and her finances, easing in with straightforward questions. The mortgage was in Mrs Somers's name and that of Stanley McCausky, and had been completed on January 16, 1990. The couple both live in the house.

Were Mrs Somers and Mr McCausky employed? Mr Firth asked.

Mrs Somers had a take-away business and Mr McCausky worked for British Rail. "Business is very slow," Mrs Somers said. "I'm closed on Monday, Tuesday and Wednesday."

Mr Firth nodded. "And what about your earnings?"

"About £200 to £300 a week," Mrs Somers replied. And her expenses? Mrs Somers did not have a precise figure, but said later that two years ago her earnings had been about £600. And Mr McCausky? "£160 to £170," Mrs Somers



Seeking help: Sybil Somers and Stanley McCausky outside their too-expensive property

said. "Maybe £200 a week." "Let's think in terms of what you can afford to pay. Can you indicate that?" Mr Firth asked.

"Frankly, I came here today to see if you could help me out which ever possible way you can," Mrs Somers retorted. "How much can you allow me to pay? As you know we're in a terrible recession."

"I'm not quite sure," Mr Firth said, voice as calm as ever. "Your situation is not, then he paused, 'normal.' Since October, Mrs Somers has been paying £300 a week after a special arrangement with the society."

"Your account has been in arrears for some time," Mr Firth said.

"You would be, too, if you had to pay back that much a month," Mrs Somers said.

"OK," Mr Firth said. "They should have told me how much it was before we got into it," she continued.

But who should have told Mrs Somers? Her mortgage was granted by the Leamington Spa Building Society. The Bradford & Bingley inherited Leamington Spa's mortgage book.

Mrs Somers said she would try her best to pay the £300 a week.

The sensible thing, Mr Firth explained, was for Mrs Somers to produce a breakdown of her monthly outgoings, to establish what she could pay.

"You want me to bring along the bills with me. I've got so many bills," Mrs Somers said. "Sometimes I fancy running away." "You've got to come back with a monthly breakdown of expenses and more precise details on your income. You should also bring Mr McCausky's pay slips. Until then we can't start talking about a new figure. Meanwhile, you should go on paying £300 a week."

"Thanks," Mrs Somers said. "I've got so many problems. The house, the business, and I've got a granddaughter with a little baby and I'm going to have spend at least three weeks trying to help her. I think I'm going to go home."

**M**r Firth made sympathetic noises. Mrs Somers left. Afterwards, Mrs Somers said she had found the session helpful. "I feel a little bit more secure about the house," she said. "I feel that Mr Firth must be going to do something to help me."

For his part, Mr Firth admitted that on their joint income, the couple should never have been given a mortgage with such steep repayments. "To a large extent, Leamington Spa was the cause of the problem," Mr Firth said.

The Bradford & Bingley had done everything in its power to help, he said. The

society had a repossession order on the house, issued on September 9, 1990, but had not acted upon it.

Had not counselling come too late? Mrs Somers had missed the first two payments on her mortgage more than a year ago, when it was first granted.

There was a pause. "Certainly," Another pause. "If she had come in early 1990, we might have given her the advice to sell the property, and move downmarket. That's not an option now."

But in early 1990, Mr Firth points out, the Leamington Spa was in charge, not the Bradford & Bingley.

Now, the best the B & B and the couple can hope for is that they will be able to maintain payments at a level acceptable to both parties. The mortgage is over a period of 25 years, so there is little scope to extend terms.

Repossession, at the moment, is not an option. "The Bradford & Bingley is working on mortgage rescue schemes, and while people like Mrs Somers are making repayments, it is not repossession properties," a spokesman says at the head office. Mrs Somers may be eligible for a rescue scheme, whereby her house is bought by a housing association and she pays rent, but that remains to be seen.

RACHEL KELLY

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THE TIMES



# Auschwitz's true origin

Germans still fail to understand the Holocaust, says Conor Cruise O'Brien

The Wannsee conference, whose 50th anniversary fell this week, did not, as is often suggested, "initiate the Holocaust". The Holocaust, planned by the SS, began with the second world war itself when the SS Einsatzkommandos entered Poland and Lithuania in the wake of the German army. The objective of the Wannsee conference was to commit the whole bureaucracy of the German state to the annihilation of the Jews of Europe: a task for which the resources of the SS had proved insufficient.

We do not need David Irving and his newly discovered Eichmann documents to tell us that Hitler himself was primarily responsible for the Holocaust. Hitler's words, clearly implying that, are on the public record. In his Reichstag speech of September 1, 1939 — a matter of days before the Holocaust began — Hitler declared that "if Jewry should plot another world war, in order to exterminate the Aryan peoples, it would not be the Aryan peoples who would be exterminated, but Jewry".

Three years later, with the Holocaust at its height, Hitler gave another important speech, in the Sports Palace in Berlin, on September 30, 1942. He reminded his audience of the language he had used in the earlier Reichstag speech about the extermination of the Jews. Hitler now added: "At one time the Jews of Germany laughed about my prophecies. I don't know whether they are still laughing or have already lost all desire to laugh." There can be no doubt, in the context, that Hitler was here gloating over the victims of the Holocaust, and that he expected his audience to gloat with him.

A book with a remarkable title was published in Britain last year by Hamish Hamilton. *Those Were the Days: The Holocaust Through the Eyes of the Perpetrators and Bystanders* was written by Ernest Klee, Willi Dressen and Volker Reiss. "Those were the days" is a free translation of the original German title, *Schoene Zeiten*. That phrase is taken from the heading of a page in the commemorative album of Kurt Franz, the last commandant of the extermination camp at Treblinka.

The preface to the German edition states: "The confidential, and indeed sometimes private, nature of the material shows with stark clarity how firmly the National Socialist Weltanschauung was rooted in the German popular consciousness, part of the thinking of the time, and regarded as quite natural by all sections of the population."

*Schoene Zeiten* was published in Germany in 1988. I wonder whether such a work would be likely to find a German publisher in 1992? A survey commissioned by *Der Spiegel* in connection with the Wannsee anniversary suggests it would not. According to a summary of the findings of the

survey: "Two-thirds of Germans want to have less discussion about the persecution of the Jews and to draw a line under the past, while 32 per cent think that the Jews are themselves partly to blame for being 'hated and persecuted'."

That most Germans should want to have "less discussion" about these matters is quite natural. Most Germans were not born when those things were done, and it is annoying to be invited, directly or indirectly, to feel guilty about things which happened before you were born. Most Christians have always had difficulty in adjusting to the doctrine of Original Sin. On the other hand it is surely rather disturbing to find that nearly one-third of today's Germans think that "the Jews themselves are partly responsible for being hated and persecuted".

Even the formula "hated and persecuted" is disturbing, in the context of the Wannsee conference. That meeting of Nazi officials was not about persecuting the Jews but about annihilating them. Hatred and persecution of the Jews were nothing new in Europe. But the Holocaust and the reduction of mass murder to bureaucratic routine did represent something new, and the innovation was a specifically German one. To try to put part of the blame for the Holocaust on to the shoulders of its principal victims seems a pretty sure index of resurgent anti-Semitism.

**'To try to put part of the blame for the Holocaust on its principal victims seems an index of resurgent anti-Semitism'**

In October 1989 I wrote an article in *The Times* to the effect that the united Germany of the future would not be just the old West Germany, as some appeared to assume. It would be less deferential to the West, less inclined to apologise for the Holocaust, more inclined to throw its weight about. That article contained a certain amount of hyperbole, as I later acknowledged. But events since then have demonstrated that, even under the same chancellor, united Germany is indeed a different kind of entity from its Western predecessor.

The reinterment of the bones of Frederick the Great in Berlin was a significant symbolic reassertion of German national pride. The victory for German foreign policy concerning Croatia and Slovenia conveyed a similar message, in terms of practical European politics. And *Der Spiegel's* survey commemorating the Wannsee conference tends to confirm the terror of those messages, in relation to the Holocaust.

It has been argued for years that the way for Germany's neighbours to cope with any disturbing tendencies that may be discernible in the comportment of a new united Germany is to hurry on with European political unity. But President Mitterrand, having felt the weight of a united Germany over Croatia and Slovenia, is beginning to wonder how it might feel to be part of a politically united Europe, with united Germany at its core. John Major is on the right course here.

Marcus Binney on the dilemma behind today's English Heritage report on listed buildings

## Love amid the ruins

Thanks to the ivy that cloaks it, you can hardly tell that Jeremy's Cottage near Ash-ton-under-Lyne is a remarkably unaltered late 17th-century stone house. One end is propped up with timber shoring; inside most of the ceilings have collapsed. But it stands in a secluded position, commanding beautiful views, and would make someone an idyllic small house. Yet recently the owners, Lord Deramore's estate, applied for consent to demolish and rebuild. This was refused after a structural engineer told the council planners that the building was capable of repair and refurbishment. Jeremy's Cottage is one of 37,000 listed buildings which according to English Heritage's report published today are at risk.

The figure is an estimate based on a survey by selected local planning authorities of nearly 10 per cent (43,000) of the total of listed structures in England. The at-risk category includes not only buildings which are vacant, but some which are partially or fully occupied or in use, but in decayed condition.

Effective action depends on the judicious balance between the carrot and the stick. Successive governments have been extraordi-

narily dilatory in setting an example even on the most glaringly neglected Grade I buildings. I can think of only two instances when a minister has served a repairs notice: Barlaston Hall, a handsome mid-18th century Palladian villa in Staffordshire, and Revesby Abbey in Lincolnshire, a delightfully ornate example of early Victorian Gothic. In both cases the owners agreed to sell soon after. If central and local government had begun to use their powers to take action on neglected listed buildings a decade ago, the difficulties would now be far more manageable.

Fortunately, an increasing number of local authority planning officers, backed up by practically minded councillors, regularly decide to serve repairs notices, with the ultimate sanction of compulsory purchase. They almost always do this in the knowledge that there is someone willing to acquire and restore the building, so the cost will not fall on local taxpayers. Usually the mere threat of a

repairs notice prompts an owner either to put a building on the market or to repair it himself.

As well as using the stick of existing powers more frequently, should the carrot be larger? The question which underlies the English Heritage report is whether grant aid should be available to all listed buildings at risk, rather than being restricted as at present to outstanding buildings (Grades I and II\*) and buildings in conservation areas. One of the report's most significant observations is that it is the much larger number of Grade II buildings outside conservation areas, and therefore outside the scope of grant aid, which are most likely to be at risk. Very often these are the buildings with most potential for restoration and re-use.

Just how many of these buildings there are has become apparent since Michael Heseltine launched a re-survey of listed buildings in 1981. The original survey, begun in 1946, was hurried and omitted many worthy

buildings in rural areas. The re-survey has added many farm houses and cottages, often 17th or 18th century, to the Grade II lists, together with numerous barns.

Agricultural buildings raise not only the question of money for repairs but of use. English Heritage is concerned that many barns converted to houses have been hideously botched and has decided that industrial and agricultural uses should be given priority and permission for residential use granted only as a last resort. While English Heritage is right to insist that only sympathetic, well thought out house conversion schemes should be approved, this should not be a last resort. More and more barns are falling into a state of collapse before planning permission is finally given even for good schemes. Such a perfectionist approach will mean fewer barns being saved.

If money is to be directed towards Grade II buildings at risk, English Heritage asks whether it should be concentrated on those

local authorities which are already taking action over problem listed buildings. In doing this some of the buildings most at risk elsewhere might remain neglected, but experience shows that effective action depends increasingly on the country's valiant band of local authority conservation officers and their colleagues, and effective follow-up at local level is vital if buildings are not to fall into decay again.

As Sir Christopher Wren counselled the Dean of St George's, Windsor, 300 years ago, "Drips come sodeynly and doe great mischief". Clogged gutters, blocked down-pipes, slipped tiles or slates, which could be cleared or fixed by a local builder with a ladder for £50 or less, are left untreated and regularly cause outbreaks of dry rot and wet rot costing thousands to put right.

Given a grant of perhaps no more than £20,000 Jeremy's Cottage could be restored within months, smoke puffing out of the chimneys with a family happily installed. And the likelihood is that the present owners would be spurred to do the work themselves. If English Heritage is given the power to help buildings like this the results will be dramatic.

## May the better half win

Peter Stothard in Washington charts the rising power of the candidate's wife

Whenever George Bush gets desperate in a speech these days, he need only mention his wife. Even in the unfriendliest fields of New Hampshire, when the jobless jeer and the president's appeals to the memory of Desert Storm fall like the feeblest Scud, Mr Bush has only to invoke the name of Barbara to feel that he is winning again.

Before last week it would have been hard to imagine any of today's politicians needing (and getting) more support from their partners than does Mr Bush. But now Mrs Bush has a rival — the wife of the president's most likely opponent.

Hillary Rodham Clinton is fighting for her husband, Bill, against a swarm of sexual rumours flying out from the deep south. The latest tales of his beauty-queen mistresses, cabaret singers and over-devoted aides are not new, not proven and probably only tangentially connected to the truth. But unless they are stalled they will destroy his campaign.

While some Clinton supporters have become dumbstruck, mere spectators of a new Gary Hart morality play, the candidate's wife has begun to fight like a first lady.

First, she mocks the supermarket magazine that is pursuing them. Second, she describes her marriage with a cool passion reminiscent of Mary Archer. Then she sits back and defies her critics to demand more. This is a job which only she can do. Without her efforts the would-be president Clinton would be as dead as the ducks that decorate his governor's office wall.

The skills which Hillary Rodham is displaying are less instinctive than Barbara Bush's, more studiously professional, but no less potent. The couple met in the 1970s at Yale. It was she who was then considered the brilliant talent. Fellow students still wryly recall the first words she heard

from her husband-to-be across a crowded room: "Did you know that Arkansas grows the biggest watermelons in the world?"

Since then she has become an archetypal 1980s superwoman. Her record of directorships includes America's most aggressive and innovative retailer, her name is among the country's top hundred lawyers; she is credited with knowing more about American education than almost anyone else in public life. She remains a fierce feminist who only reluctantly took her husband's name after her failure to do so was judged to have contributed to his one election defeat in 1980. Her writings are peppered with descriptions of the "male-created and dominated workforce".

She has now, however, come to symbolise the new political wife of the 1990s who not only stands by her man at New Hampshire street corners but fights for him using every boardroom skill. Barbara Bush may be the last of her breed. Of the six Democrats who began the 1992 race, three are divorced and three have lawyer spouses.

Vice-President Quayle's wife, Marilyn, is in the same mould. The Quays, too, form a couple whose skills are shared, and seen to be shared. As with the Clintons, if commentators had to choose a superior, the female side would often get the vote. American



presidential elections, which once did not even demand that the candidate campaign for votes, now require full family participation. Even 11-year-old Chelsea Clinton was on show this weekend.

At a breakfast with reporters last year, the Clintons carefully admitted to "ups and downs" in their marriage. The strategy was pre-emptive. He would be as frank as he felt he had to be, while she would take the position of "If his answer is good enough for me, it ought to be good enough for you". That is still the strategy, but it now

requires Mrs Clinton to take a more prominent role. Although there is always the danger of appearing too dominant (Mrs Quayle once had to be discouraged from accompanying her husband to a nuclear weapons site lest critics doubted whose finger was on the trigger), that is a problem for tomorrow, not today.

A standard reference book on the American presidency keeps a special space for extra-marital affairs. The section sits between marriage itself, an institution which all occupants of the White

House bar one have elected to join, and military service. With varying degrees of certainty it records the loves of Thomas Jefferson for a slavegirl, Warren Harding for a friend's wife, Franklin Roosevelt for his wife's secretary, Dwight Eisenhower for his female driver and John F. Kennedy for names too numerous to mention. Secrecy helped some of those with the "extra-marital" entry stay in power. Just as Mrs Woodrow Wilson could quietly run the government for her incapacitated husband with a freedom that Mrs Quayle could not, so too the ability to hide one's sexual life was easier until recent years.

But the new requirements for openness ought not inevitably to bring disaster to the Clintons. There is just a problem to be managed — like a dangerous product that gets on to a supermarket shelf or a sudden twist in a lawsuit. The Clintons can remind themselves how Andrew Jackson, who had married a woman while she was still married to someone else, deflected the aristocratic Bushes of his day by "corrupt bargain" charges and a parade of his humble origins; or how would-be-president Grover Cleveland, burdened with an illegitimate son, took on his 1884 opponents with some vigorous rhetoric including the song "Blaine! Blaine! James G. Blaine! Continental liar from the state of Maine!" Cleveland told his staff to be frank about his paternity and won a chant of his own: "Ma, Ma, Where's my Pa? Gone to the White House, Ha, Ha, Ha."

The Clintons, too, may still make it to the White House — and have the last laugh.



...and moreover

ALAN COREN

If, like me, you were one of the 12 million watching *A Time To Dance* last Sunday, you are probably still a bit bothered about it this Wednesday. For, towards the climax, or one of them, of Melvyn Bragg's rollicking chronicle of "fell swoops, you saw something. It wasn't very much, and it wasn't there for very long, and any of you who sneezed, or even perhaps laughed, may not have seen it at all, but for those of us who take our membership of the Lord's Night Observation Society seriously, it was of a significance out of all proportion to its ostensibility. All I choose that last word with more than usual care, for these are delicate matters, so delicate indeed that non-Latinists will have, I'm afraid, to ask close and trusted friends to fill them in on the precise etymology of my choice.

As to the observed item itself, let that same delicacy refer us to the dainty lexicon of the antiquaries trade and simply call it the property of a gentleman: appropriate enough in this case, since the gentleman himself is not only knocking on a bit, he is also what Sotheby's catalogue would describe as of heightened colour and somewhat distressed.

He is Mr Ronald Pickup, playing a 54-year-old bank manager, and the story so far is that he has become, one is tempted to say wily-nilly, passionately enmeshed with Miss Dervla Kirwan, playing an 18-year-old set of attributes likely to bring

hurly-burly to the deep peace of the Sabbath night, and John Selwyn Gummer hardly back from Evanson. Probably still unzipping his anorak. For they are tricky things, anorak-fastenings: many of us who sport them have learnt, when contemplating a hike to set aside a fair proportion of the day for getting in and out of our rainwear, and it is thus but one of the myriad remarkable features of *A Time To Dance* that Pickup and Kirwan are able to divest themselves so rapidly not only of these complex items but also of the stout boots, thick socks, heavy sweaters, long-sleeved shirts, thermal underwear, scarves, mittens, woolly hats, and all the rest of the cumbersome paraphernalia required for going up Magnus Pyke, or whatever it's called.

They can do this, of course, because love laughs at locksmiths, so that, with an alacrity evoking the great days of Mack Sennett, they are quickly in a position to hurl themselves upon one another and begin running up Mary Whitehouse's phone-bill.

Which activity, as you know, presupposes a certain state of readiness on Ronald's part, if there are not to be tears after bedtime. Hardly a problem, you would think, given that Dervla is the best thing to have happened to him in a month of Sundays, a fortnight's anyway, and that, from the internal evidence, a good time appears to be being had by all.

But let us look at the external

evidence. We could not, as I mentioned at the outset, look at it long, but it was long enough to register that Ronald was in no shape to do what the script, never mind his eager paramour, required of him.

"Hallo," I said. "Is there anything to which you would wish to draw my attention?" said my wife.

"To the curious incident of the dog in the night-time," I replied.

"The dog did nothing in the night-time," she said.

"That was the curious incident," I remarked.

The exchange did not go quite like that, of course, it was somewhat shorter, but what my wife and I say to one another in the privacy of our own hilarity is nobody's business but ours.

Now, ever since the curious incident, I have been thinking about it, long and hard; and it has become curiouser and curiouser. What was this scene for? For verisimilitude: the play concerns the irrepressibility of passion, and we must, apparently, see them at it. But if what we see is them apparently at it, is it not at all, whence the verisimilitude? They might as well have shut the bedroom door on us, offered a few convincing grunts, and left it at that.

I am afraid that, like Ron and Dervla, I have come to no firm conclusion in this affair. All I know is what *Ecclesiastes* tells me, just after it has told me that there is a time to dance: which is that there is a time to embrace, and a time to refrain from embracing.

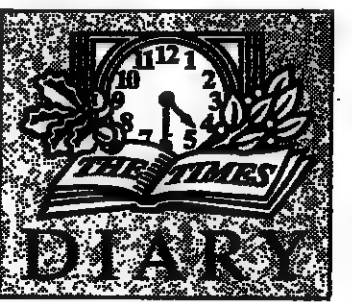
### A thriller from Manila

THE NEW Lord Moynihan is a Filipino boy who celebrated his first birthday ten days ago. After weighing the evidence and considering rival claims, the trustees of the late lord's estate have made a written submission to the House of Lords endorsing Daniel, the son of Jinna, Moynihan's fifth wife and a former hotel receptionist, as the new holder of the hereditary title.

The submission was made after the family finally obtained from the British consul in Manila documentary evidence missing since the playboy peer died in November. The verification of Daniel's claim removes the prospect of Colin Moynihan, the junior energy minister and the late peer's half-brother, inheriting the title. Moynihan says he would have renounced the peerage in order to continue his Commons career.

In his time the late Lord Moynihan ran a nightclub in Spain, went on a belly-dancing tour of Asia with one of his former wives and ended up managing a massage parlour in Manila. His memorial stone declares: "In loving memory, wife Jinna, son Daniel and daughters." But a question mark hung over whether the relationship had been legitimised by marriage.

The Diary now has a copy of the certificate, which shows that the wedding took place on December 2, 1990, in Manila with the Rev Mario J. Daux officiating. The birth certificate says that Daniel was born on January 12, 1991, at Manila Medical Centre. It gives the father as the Lord Moynihan of Leeds ("Occupation: peer of the realm") and the mother as Jinna, Lady Moynihan. A further doubt arose over a rival claim made by Moynihan's penultimate



wife, Editha, who runs the Flamingo massage parlour in Manila. She says that her son Andrew is Moynihan's heir. But Charles Vance, estate trustee, says: "Tony was not the father. He had himself genetically tested and the results are in a Harley Street clinic. They are conclusive proof if anyone produces a child."

Daniel and his mother are due to arrive in Britain soon and will be looked after by the family of Lord Moynihan's eldest sister, Imogen. "The boy will go to prep school and boarding school here," says Vance. "After all, he is a peer of the realm."

Labour's general election strategy has been thrown into disarray in more ways than one this week. Larry Whitty, the party general secretary who heads its "election task force", has been called up for jury service. With visions of the key backroom man sitting on a long fraud trial, politicians and officials were put on stand-by to switch election planning meetings to out-of-court hours. So far it has not proved necessary. On Monday and Tuesday mornings court officials sent a grateful Whitty back to his Walworth Road desk. On the other hand, a grisly murder case might have come as a welcome relief from Labour's taxation difficulties.

### Rabbie's lassies

WEE, sleekit, cowrin', tim'rous beasties — and that is just the men, barred tonight from what is thought to be Scotland's first women-only Burns night supper. Or, as the feminists prefer it, Jean Armour night supper, in honour of the poet's long-suffering wife.

The organisers of the charity supper at Glasgow's Kelvingrove Galleries say Burns night celebrations are too male-dominated.



"We are going to make it more sophisticated. We will appeal to women who are seldom invited to the traditional Burns supper," says Carol Moir.

A few token men in kilts will be present to serve the haggis; but another Burns tradition is being challenged: the women will spurn the usual whisky in favour of champagne. Whether "freedom and bubbly gang together" remains to be seen.

The master of the Queen's Music, Malcolm Williamson, may think the work of Andrew Lloyd Webber not good enough to grace the Queen's 40th anniversary pageant. But the composer of *Phantom of the Opera* has the seal of approval from a far greater au-

thority. When Dmitri Shostakovich visited London in November 1972 for the British premiere of his 15th symphony, he was taken to see the newly opened Jesus Christ Superstar. He enjoyed himself so much that he went back the next available night to see it again. What Lloyd Webber made of Shostakovich's most cryptic symphony is not recorded.

### Shaw thing

MICHAEL HOLROYD just cannot work George Bernard Shaw out of his system. After more than 15 years work on his three-volume biography, Holroyd is planning no fewer than three further titles on the dramatist.

"I did say that the last volume would be the final one, but I don't seem to be able to give up," he says. There was always intended to be a volume of notes and appendices, due to appear in November. But before that *The Last Laugh* will be published in May. "It started as an epilogue," says Alison Samuel. Holroyd's editor at Chatto, "but grew and grew." Holroyd describes it as a "160-page novella dealing with posthumous questions about Shaw and his finances."

Holroyd's addition will be further fuelled by an exhibition in April at the National Portrait Gallery to salute both the biographer and his subject. Finally — or not, as the case may be — there will be a single volume condensed biography, probably next year. "Absolutely the last thing I write on GBS," Holroyd promises.

At a conference today at the Lansborough Hotel the Merseyside Development Corporation will announce plans to make Merseyside "the gateway to Europe". But why come to the quiet backwater of London to do it?





## PRICE OF JUSTICE

The Lord Chancellor is rightly determined to bring under control the runaway cost of legal aid in Britain. But he must be careful not to do so in a way that lowers standards of justice. Legal aid is currently at a gross annual level of some £1 billion a year and rising fast. About one third goes on criminal legal aid, the rest on civil cases, and virtually the whole ends up in lawyers' pockets. Lord Mackay of Clashfern may regard it as a sign that he is making progress, therefore, that his negotiations on pay with representatives of the legal profession have reached the pain threshold. Offers have been made, rejected, improved, rejected again, against a background of strikes and rumours of strikes. Yesterday solicitors in Devon and Cornwall announced that they were withdrawing from their 24-hour duty-solicitor scheme to give legal aid to those newly arrested. Solicitors elsewhere may follow their lead.

But they are as wrong to withdraw their professional services from those taken into police custody as surgeons would be to strike against their patients, an analogy that the Law Society has already used in trying to talk them out of their protest. These West Country solicitors are not helping their clients and are weakening a good case for a more "professional" level of remuneration. This is that the quantity of legal aid is a determining factor in the quality of justice. The provisions of the 1984 Police and Criminal Evidence Act concerning access to legal advice after arrest presuppose that solicitors will be available. And many of the more notorious pre-PACE miscarriages of justice of recent years — the Guildford Four, the Birmingham Six, Winston Silcott and others from Broadwater Farm — would not have occurred had solicitors representing the accused been present from the beginning of police interrogation.

Yet solicitors cannot be compelled to do legal aid work, only induced by the offer of a fair fee. Their common complaint is that criminal legal aid used to be cross-subsidised in each legal practice by the profits from conveyancing. The property market has gone sluggish, so criminal legal aid needs to be more "realistic". There is more to the

current negotiation, however, than merely whether this year's annual fees increase should be 1 per cent, as Lord Mackay offered in December, or 3 per cent, as he offered last week. Since solicitors' leaders had been privately expecting not much beyond 4 per cent, these negotiations may be close to settlement.

But Lord Mackay intends to make a more radical and risky change in the way criminal legal aid is assessed and paid. Instead of what now amounts to an hourly rate for the job, solicitors would earn a set fee reflecting the seriousness and likely complexity of the case. As well as improving the management of the legal aid budget, this would, he argues, speed up the payment of fees, where delays (caused by the complications of fee calculation under the present method) are a constant source of grievance among lawyers.

Lord Mackay has accepted the objection that not all cases are alike, and agreed to a two-tier scale of payment so that really difficult cases are better paid. But he is far from agreeing with the profession what such work is really worth. He is also treating his changes as narrowly administrative, without regard for the effect relatively poor remuneration for legal aid work is having on the overall number and quality of solicitors prepared to undertake it. Not all miscarriages of justice can be blamed on the police or judges. Some are undoubtedly the fault of a careless or incompetent defence. But good lawyers will only be attracted to legal aid work by decent fees. It is this concern for the quality of legal aid — mocked by the impatient action of the Devon and Cornwall solicitors — which is the profession's strongest point.

Before he implements his new method of paying criminal legal aid, therefore, Lord Mackay would do well to seek an opinion from the Royal Commission on Criminal Justice. The commission has already agreed to accept evidence on these points from the Law Society. For the government to wait for the commission's response — if necessary requesting an early interim report — would be both diplomatic and wise. This is one delay which would surely be in the interests of justice.

## SI JEUNESSE SAVOIT...

"Grow old along with me! The best is yet to be," exhorted Robert Browning's Rabbi ben Ezra. Thus should we think of the old. Instead, most people appear simultaneously to fear and to despise old age, sharing Shakespeare's vision of the seventh age of man as "second childishness, and mere oblivion: Sane, wits, eyes, ears, and senses, all decayed." According to a survey published by Age Concern England yesterday, three out of four people are concerned about growing old. Most worry about poor health, enforced dependence on others, and money. Shakespeare might have been right in his time (or he may simply have been reflecting the prejudices of a callow 35-year-old). These days, thanks to improvements in public health and hygiene, old age is more fun. More people reach it, and about two-thirds of the population over 60 is still fit, well and living at home. According to yesterday's findings, such people do not think of themselves as old. Young adults reckoned that old age begins at 63, but only a third of those aged between 65 and 74 felt that they had reached it, and only 61 per cent of those over 75.

So why does old age get such a bad press? Even the word "old" is frowned upon by some Americans: "ageful" has now joined "follicly challenged" (i.e. bald) in the hideous lexicon of political correctness. To be old is forbidden. The Japanese have a more elegant turn of phrase. Old age used to be known as the "silver age". Now *jitsumen*, meaning the "age of fruition", is replacing it. The old in this country would be more powerful politically, and improve their public perception, if they organised themselves better. The two best-known charities, Age Concern and Help the Aged, in their names alone present an image of the old as victims. Where are the sleek and aggressive Grey Panthers of Britain? In the genteelly named Association of Retired Persons? Wrinkles on

the Warpath would give the rest of the population more of a jolt.

Old people should fight their own corner, not rest content to be fought over. Companies should not be allowed to discriminate against the old by citing upper age limits in recruitment advertisements. A flexible "decade of retirement" would allow those who wanted to retire early to do so, while those still happy in their job would not be forced to leave. But where are the eloquent spokesmen for the older generations? Why are they not marching on Westminster?

If today's old people are resilient, tomorrow's will not be able to afford such passivity. In the first third of the next century, those born in the baby boom of 1946-68 will be retiring, expecting to be partly supported by the many fewer in the baby-boom generation of the 1970s and 1980s. The latter may question the post-war social consensus that has allowed the state to take money from taxpayers and give it to the old. Already in America, a body uncomfortably named Americans for Generational Equity is claiming that the old receive too great a share of public spending.

The answer is that those of working age will have to pay more, or pensioners will receive less, or — the only way to change the equation — the old will have to work for longer. Since people in their sixties are now far healthier than they used to be, rigid retirement ages of 60 and 65 are anachronistic. The young old should be able to withdraw later, and more gradually, from the labour market, perhaps with a few years of part-time work before they stop altogether. But if they want to win the rights and flexibility that, for instance, working mothers are starting to enjoy, they must fight for them. It is time somebody followed the example of the Germans and started a Grey party.

## SYMBOLIC EQUATIONS

Islamic fundamentalists have begun to demand that all classes at Arab universities, instead of just some art subjects, be taught in Arabic. At present science and technology are taught mainly in English or French. Universities in Algeria and the Sudan have already been ordered to teach all subjects in Arabic only, on the grounds that the language of the Koran can handle any topic and that people have a right to be taught in their native tongues.

At first sight, the fundamentalists seem to have some sense in their argument. Arabic might sound a suitable language for scientific topics. The Arab scholars of the European dark ages transmitted the mysteries of algebra taken from Alexandrian scholars, who derived the subject from Babylon and Sumar. The word's derivation comes from *al-jabr*, the reunion of broken parts, a term also used for bone-setting. It has nothing to do with Al-Gebr, as every schoolboy, for whom quadratic equations might as well have been in Arabic, once believed. He was a chemist. Chemistry comes from alchemy, and was transmitted through Spain by Arab scholars. But the word first occurs in Greek. It has more to do with pouring and infusion, which is what the early Greek chemists did with plant juices, than with fanciful Arabic etymologies.

That most of the world uses "Arabic" numerals for its sums does not make Arabic a peculiarly numerate language. These numerals were taken from classical Arabic of the period up to the 13th century, the antique basis of modern standard Arabic and of the

many colloquial dialects that have sprung from it. The original Arabic numerals can still be recognised in the script of Morocco, for example the figure for eight, at least if they are turned on their sides or upside down. But for the past eight centuries the Arabs of the Middle East have used a different Indian system of numbering.

The Arab scholars of the dark ages in Spain were undoubtedly great men and a vital link to the wisdom of the past. But their algebra, science and geography were primitive and their language was not peculiarly scientific. There are 28 consonants in Arabic, the great majority of which have four printed forms, depending on whether the letter stands alone, at the beginning, middle or end of a word. Its numeration is immensely complex and a devil to print. Attempts to teach in Arabic at some Middle Eastern medical schools have been a dangerous disaster.

Any language can be adapted to do anything, if enough people need to use it so. But science should be above linguistic chauvinism. Most of the essential texts and journals in science are published in English. Scientific terms can be translated into the dialects of Arabic only by transliteration or clumsy circumlocution. In scholarship as in other matters, the tunnel-vision of Islamic fundamentalists is leading them back to the dark ages from which their broad-minded ancestral sages and savants helped to rescue Europe. Teaching science in Arabic has everything to do with Islamic politics and nothing with the advancement of learning.

## Blot on Luxor landscape

From Mr Roy Lee-Faulkner and Mr Geoff Peake

Sir, We have recently returned from a short visit to Luxor, where new roads have been laid across the west bank of the Nile. These link the ancient sites of the valleys of the kings and queens, the tombs of the nobles and workers and all the various temples and monuments.

Not only are these roads unsightly, since the black surfacing is in stark contrast to the soft browns of the sandstone, but they are also physically intrusive as they are built on raised causeways, in some places perhaps eight feet high, and effectively cut villages in half.

No concessions have been made, in difficult terrain, to the needs of the inhabitants, either for gaining access to the roads on foot or with their own cars and vans, or for crossing them.

We learned that the roads had been built specifically for a visit by President Mubarak, who has now decided that the area should be made more "attractive" for tourists. This is to be achieved by forcing the local people to move out of their traditional homes, built into the hills above the tombs of the nobles. Previous attempts to move them have failed.

The very fact that people are still living and working in this area as they did 3,000 years ago brings the added dimension of continuity to a fascinating region. It also firmly places the settlement and development of the Nile valley in a human context.

Currently the Egyptians are implementing what to our eyes are unsympathetic "rebuilding" programmes, instead of concentrating on preserving what remains of their ancient monuments. Already the traditional Nile sailing boats, the *fuccas*, are under threat from motor boats, cruise ships and heavy mooring fees.

If this latest resettlement plan goes ahead, simply because it may boost the tourist trade, it will be a great injustice to the people of the west bank of the Nile and a sad loss for the rest of the world.

Yours faithfully,  
ROY LEE-FAULKNER,  
GEOFF PEAKE,  
113 Mottram Old Road,  
Stalybridge, Cheshire,  
January 17.

## Price of CDs

From Dr Paul Yarrow

Sir, David Wyld (letter, January 11), while correct in asserting that there are fixed costs associated with the production of recordings, fails to point out that these are common charges applied regardless of the format of the recording.

The initial high price of compact discs was justified by the paucity of production facilities, with production costs of £1 per disc; this is clearly no longer the case. Logic would suggest that a CD should cost no greater than £1 more than the price of its vinyl equivalent, rather than the current 50 per cent premium.

If record companies are serious about phasing out unpopular vinyl records then perhaps they should reduce the price of CDs to more accurately reflect the production costs, thus reaping the benefit of increased demand. The issue of vinyl records for those requiring them could then be contracted out to specialists who could charge an appropriate premium reflecting their limited demand.

Yours faithfully,  
PAUL YARROW,  
13 Regent Street,  
Paisley, Strathclyde,  
January 12.

## Learning to read

From Mrs B. A. Ferner

Sir, I saw a sign on a car yesterday which said: "If you can read this — thank a teacher." My mother, who completed her education when she was 14, taught me to read before I went to school. In turn I taught my own children.

Now large sums are to be spent on teaching children to read who have so far failed to do so, despite several years' schooling (report, January 9). Should we thank the teachers for that, also?

Yours faithfully,  
B. A. FERNER,  
17 Market Street, Adlington,  
Chorley, Lancashire,  
January 16.

## Religious schools

From Mr F. H. Pedley

Sir, Clifford Longley (January 11) is right to point out that church schools were in existence long before the 1944 Education Act, indeed before publicly provided education began. But it should also be made clear that church schools, operating as aided schools, are actually owned by the churches which run them. They do not belong to the education authority.

It was this crucial fact which was the basis for the 1944 settlement, including the grant-aid system and the composition of governing bodies.

The Muslims with whom I have discussed the issue of separate schools for Muslim children usually assume that the buildings for such institutions would be given to them, or made available free of charge.

## Lloyd's relationship with members

From Mr I. H. F. Findlay

Sir, The opening sentences of your leader (January 16) entitled "Limiting Lloyd's losses" assert that, prior to the passing of the Lloyd's Act 1982, Lloyd's initial reaction to scandals was "to roll into a ball like a hedgehog" hoping the attacks would go away, and that it "eventually acceded to the tougher regulations... imposed upon it by the Lloyd's Act".

The facts are that as early as 1978, the committee of Lloyd's was concerned about, amongst other matters, two major problems — first, the archaic and cumbersome disciplinary procedures laid down by the then current Lloyd's Act of 1911, and second, Lloyd's relationship with a membership which had changed over the previous few years, both in number and by the inclusion of many external and overseas members, and this demanded revision.

Accordingly, towards the end of that year, I, as chairman of Lloyd's at that time, invited Sir Henry Fisher to chair a working party to enquire into and report upon self-regulation at Lloyd's (including the above matters) — the widest possible brief. The working party, after prodigious efforts, submitted its report to the committee in 1980, when it was immediately welcomed and accepted.

The report contained, amongst many other recommendations, proposals for a greatly simplified and practical disciplinary process (much used since and with greater effect, some may think, even than the courts), and the formation of a council which would include elected

external names and also independent nominated members.

The Fisher report also included the draft for a new Lloyd's Bill to give effect to the new proposals. The committee, after obtaining the approval of the membership, immediately devoted its energies to help in getting the new proposed Act on to the statute book.

To say, Sir, that Lloyd's had taken virtually no action in the face of growing problems — and in the period before the passing of the Act the existing cumbersome disciplinary procedure was in fact used — and that it had to "accede" to the demands made upon it by an Act for the provisions of which the committee had worked so hard is the exact opposite of the facts.

Finally, Sir, it is worth making the point that although no doubt the governance of Lloyd's is, and has been, no more perfect than others in our human society, the initiative for change has, over its 300 years of history, with the exception of the Neill enquiry (1987), invariably come from within the Lloyd's community.

Lloyd's has, over recent years, endured at least its fair share of criticism. As circumstances change, and Lloyd's grapples with new problems, may it not at least be acknowledged that the hedgehog analogy bristles with contradictions?

Yours faithfully,  
IAN FINDLAY,  
Lloyd's of London,  
1 Lime Street, EC3,  
January 20.

Business letters, page 25

## Dental care

From Mr Robert Webster

Sir, Baroness Hooper (letter, January 13) is correct, that the new contract for dentists is a step forward in looking after people's mouths and that many patients appreciate the fact. However, she misses the problems that Mr Naylor (report, January 8) and other of his colleagues are finding in NHS dental practice.

The capitation scheme for children awards the same fee across the country for each age group irrespective of the amount of decay. It is very difficult in a "high decay" area to provide treatment for fees calculated for the average number of cavities per child for the whole country, including the many "low decay" areas.

Moreover, dentists are paid the same fees across the country for their adult patients, but practice overheads vary, depending on the area. It can therefore make economic

sense to withdraw from the NHS into private insurance and fees.

Yours faithfully,  
ROBERT WEBSTER,  
Bay Tree Dental Group,  
28 Arlington Road,  
Eastbourne, East Sussex.

From Mr John Copeland

Sir, During a holiday at Frinton-on-Sea, Essex, last July I developed severe toothache. The three dental surgeries I contacted told me that no appointment could be made, even for an emergency, as I was not a registered patient.

I complained later to the Essex family health authority, one of whose area managers replied that my experience "has highlighted a possible flaw in the new dental contract", but that the authority "does not have the power to make any changes".

Yours faithfully,  
JOHN COPELAND,  
1 The Hall Yard,  
Burton-by-Lincoln, Lincolnshire.

## Bells appeal

From Mr Robert A. Lewis

Sir, Your Diary (December 24) rightly drew attention to the regrettable proliferation of tape-recorded "church bells". It is a particular travesty that the example cited, St Bride's, Fleet Street, should play host to such a recording: for St Bride's is undoubtedly the most historic church in the development of the English art of change ringing.

The original 12 bells destroyed by fire in 1941 witnessed many important firsts in the (now) standard bell-ringing methods. During the early eighteenth century change ringing on higher numbers of bells was pioneered there by Benjamin Annable and other famous London ringers of the period.

The first peals of Grandfire Caters, Grandfire Cinques, Plain Bob Major, Plain Bob Royal and Plain Bob Maximus were all achieved in the

tower at St Bride's between the years 1717 and 1726.

It is a great shame that St Bride's, which prides itself in other areas of musical activity, has neglected this unique aspect of its heritage.

Much was made in the media of the "bells of St Bride's" pealing out upon the release of hostages John McCarthy and Terry Waite. Most people who actually heard this sound emanating from St Bride's sleepers recognised it for what it was — an unsatisfactory imitation, unworthy of those joyous occasions.

I am certain that the newspaper industry, the City and the nation's bell ringers would give generously to an appeal for a genuine ring of bells as a more enduring celebration.

Yours sincerely,  
R. A. LEWIS  
(Bell restoration officer,  
The London County Association of Church Bell Ringers),  
45 St Charles Square, W10.

## Yugoslavia's collapse

From Mr Marko Gasic

Sir, Your front-page headline, "Serbian anger greets death of Yugoslavia" (January 16), is misleading. First, because, in the words of Mr Twain, reports of Yugoslavia's death have been greatly exaggerated.

Under international law, a country exists for as long as does the nucleus which formed her, irrespective of the situation in other parts of that country. In the case of Yugoslavia, her nucleus — Serbia and Montenegro — still exists, legally and viably. So, therefore, does the state of Yugoslavia.

Secondly, despite your natural eurocentricity, you should remember that the United Nations, not the EC, is the ultimate arbiter of statehood. And neither the UN, the US, Russia, India, China or Japan has yet

recognised Croatia or Slovene independence. Primarily, this is because of the dangerous precedent set by their unilateral, self-declared secession from a state they willingly joined.

In Croatia's case, her action has been exacerbated by her insistence on retaining reluctant regions of Yugoslavia, for example Krajina, over which the communists gave her administrative control (within Yugoslavia, not without).

Not surprisingly, the UN has grave reservations about recognising this form of secession. We, too, should have grave reservations about the terms on which we rubber-stamp the German-induced premature birth of Croatia and Slovenia.

Yours faithfully,  
MARKO GASIC,  
53 Melrose Gardens, W6,  
January 18.

Such an arrangement should be vigorously resisted, since it would be quite wrong for a local authority to offer property for denominational purposes which had been paid for from the public purse.

Only after the Muslim community had bought, or built, their own schools should they be eligible for the substantial grants which are available to aided schools.

Having said that, however, I can see no reason why Muslims should not then be entitled to run their own educational institutions with state aid, provided that they operate within the rules and regulations of

the Education Acts, including the national curriculum.

The only qualification to this right should be that they make provision for both sexes (no doubt separately), since an unhealthy imbalance would be created within county schools if only girls were to be separately educated. I see this as an inevitable development so long as aided schools exist at all.

But better still, we could decide to celebrate 50 years of the 1944 Act by abandoning altogether the half-hearted attempt to link education with religion. It would be better for the educational system. It would also be better for the churches, not just in the long run, but now.

Yours faithfully,  
F. H. PEDLEY,  
Hill Top, Oldfield,  
Keighley, West Yorkshire,  
January 12.

Letters to the editor should carry a daytime telephone number. They may be sent to a fax number — (071) 782 5046.

## Computer records in poll tax courts

From Mr Aian Murdie

Sir, Doubts concerning the admissibility of computer records at "poll tax" hearings are not new (reports, January 16 and 17). The difference is that magistrates' courts are now apparently beginning to listen.

Such doubts with regard to civil evidence before justices have been expressed by local government practitioners for many months, the problem being mentioned in the 1991 edition of *Stones' Justices' Manual* (to which every magistrates' court has access), in *The Law Society's Gazette* last March and by the editor of *Rating and Valuation Reporter* for the same month.

I pointed out the same to over 200 local government officers at the annual conference of the Institute of Revenue, Rating and Valuation last October. A copy of this group's notes detailing the problem is in the library of the House of Commons, and the point has been raised in over 100 different magistrates' courts since August 1990, though with little success until recently. This is not surprising, given the problems with liability order hearings.

Lay justices have little training in the civil law. The great majority of alleged defaulters come from the poorest and most vulnerable sectors of the community and are among the least able to argue complex points of hearsay evidence.

Few defaulters have representation, there is no legal aid and the duty solicitor scheme does not apply. The lack of appeals so far arises from the fact that most justices' clerks routinely block applications for appeal to the High Court.

Given the number of times local authorities blame computers for their errors in different departments, these objections to computer-generated evidence are perhaps rightly perceived as no mere technicality. Only now does it appear that the Department of the Environment and magistrates' courts are giving this problem the serious consideration it deserves.

Yours faithfully,  
ALAN MURDIE (Chairman),  
Poll Tax Legal Group,  
PO Box 1335,  
London N4 2EG,  
January 17.

## Elections in Kenya

From the High Commissioner for Kenya

Sir, It is difficult to see what Mr Peter Hain (letter, January 14) requires from the Kenyan government in this short period of change from single-party to multi-party elections. There is already a standing electoral committee presided over by a high court judge, and matters such as voter registration and access to broadcasting time are under consideration as part of the new, revolutionary, political process.

Mr Hain tells us that elections should not be held before April/May. Perhaps we should be allowed, after 28 years of independence, peace and stability, to make up our own minds on such issues. Mr Hain's views on the timing of elections would be better directed at Mr Major who, like President Moi, has the final prerogative on such issues.

Yours etc.,  
SALLY J. KOSGEI,  
Kenya High Commission,  
45 Portland Place, W1,  
January 17.

## Eternal optimist

From Mr Roddy Gye

Sir, I am regularly polled by the compilers of business confidence surveys. I have just filled in yet another, the results of which will no doubt appear in *The Times* in due course.

To all the questions testing my view of the coming months I have forecast an immediate and dramatic upturn. Whether this reflects my genuine view at the moment is immaterial. I am confident, however, that if enough business people do as I do it will prove to be a self-fulfilling prophecy.

Who can blame the Chancellor for trying to do the same thing?

Yours faithfully,  
RODDY GYE  
(Managing Director),  
GHA Group (Corporate television production),  
9 Dean Street, W1,  
January 17.

## Door-to-door enquiries

From Mr Bob Nibbs

Sir, As a former serving milkman in the Stoke-on-Trent area, I was intrigued to note your report (*Modern Times*, January 20) about milkmen going on patrol on behalf of the Staffordshire police.

Assuming this arrangement to be reciprocal, I would be pleased to see something similar in my area of the Metropolitan police, when I might suggest that the chief superintendent of Barnes police station arranges for his foot-patrol officers, should there be any in the early hours of the morning, to deliver me two pints of full-cream milk on the doorstep each day until countermanded.

Yours faithfully,  
BOB NIBBS,  
68 Palewell Park, SW14,  
January 20.



Justin Cole, Gareth John Jones,  
Sundeep Kumar Kapila, Karen Amanda  
Loadman, Adedamola Olasupo  
Adesemi, Augustus Osei Aggrey,  
Anita Gesser, Hugh David Haydon











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## British workers win German approval

BY RICHARD DUCE

GERMAN businessmen, often noted for super-efficiency, yesterday gave British manufacturing a big vote of confidence by declaring the UK their favourite location for foreign investment in Europe and, worldwide, second favourite only to the United States.

A survey of 361 German-owned firms employing 55,000 people in the UK also further helps to defuse the concept of the strike-happy worker, the so-called "British disease". Good or excellent labour relations were reported by 92 per cent of firms, according to the survey by the German Chamber of Industry and Commerce.

The upbeat survey, recording responses from more than a third of the German-owned companies in Britain, says that German investment over recent years has been nearly £8 billion and that investment of £908 million is expected over the next five years.

Germany seems to have twigged the success of Japanese firms in Britain, the survey coming a week after Nissan announced expansion plans in Tyne and Wear.

One in five firms with a small presence in the UK but with no manufacturing base intends to begin manufacturing, a further investment of £230 million.

The British worker appears as good as, if not better than, his German counterpart. When questioned on productivity, 13 per cent of manufacturing firms said that it was higher in the UK than in Germany, and 55 per cent said it was comparable, with 34 per cent saying it was lower. Most manufacturing firms (81 per cent) report a satisfactory, good or excellent return on investment.

Of the 361 companies, 187 maintain sales offices, 141 are manufacturers and 33 are service companies. Much of German business is concentrated in south-east England and West Midlands. Some 39 per cent of the firms surveyed concentrate on making electrical goods. Most employ fewer than 100 people, but 14 firms employ more than 1,000.

The survey is *Trends and Views on Direct Investment by German-owned Companies in the UK*.



Kept on their toes: Croat troops are put through training exercises at Gospić, 137 miles west of Zagreb. Notebook, page 10

## KGB reveals Gorbachev calls

Continued from page 1

leaders use only special lines.

Had he already lost access to the special network?

Even more curious, is that two hours earlier, Mr Gorbachev had spoken to Mr Yanayev, Oleg Shenin (a member of the Central Committee secretariat), Valentin Pavlov, then Soviet prime minister, and — twice — to Vladimir Kryuchkov, head of the KGB. What did he talk about with these four coup leaders — and why has he kept these calls secret?

Similarly, in his book Mr Gorbachev describes the appearance of the plotters in Foros on August 18 as a bolt from the blue. In his first interviews he said that four people brought an ultimatum from Moscow, but he named only Valeri Boldin, the chief of his presidential staff. Subsequently, the number of visitors rose to five, when he added four more names, including the head of the KGB security directorate.

But were these really the people who negotiated with him about imposing a state of emergency? The same KGB register says that at 1.04pm on August 18 a special air-

craft took off from Moscow for Belbek (the airport near Foros). On board were Marshal Dmitri Yazov, then Soviet defence minister, and Mr Kryuchkov. They left again at 7.31pm. What were these top-level people doing in Foros? It is hardly likely that they undertook such a long journey just for three hours of southern sunshine.

Two other key figures returned from the Crimea on the same day: Boris Pugo, the Soviet interior minister, landed in Moscow at 1.10pm, and Anatoli Lukyanov, the chairman of the parliament, at 8.10pm. It is remarkable that neither of them crossed paths with Mr Gorbachev —

or, at least, the former president had said nothing about it. Why?

The defence lawyers for the coup plotters have asked for restrictions to be placed on Mr Gorbachev's movements, arguing that proceedings could be jeopardised if he went abroad suddenly. The reason, it has emerged in Moscow, is that he has "exceptionally important information" about the coup and that his commentary is an essential supplement to the 125 volumes of evidence.

Yevgeni Lisov, Russia's deputy procurator and head of the team preparing the case against the plotters, yesterday said that Mr Gorbachev was not connected with the plotters in any way, "directly or indirectly", and so his movements would not be restricted. But he noted that some of the 15 accused "believed they had Mr Gorbachev's support"; indeed, this had been the "decisive factor" that led them to initiate the coup.

Mr Gorbachev's "long association with this group and certain character traits might have given the plotters the right to believe that sooner or later... they would be able to persuade him to join them", Mr Lisov said. Some plotters said that Mr Gorbachev appeared to offer support for their proposed state of emergency; others say he refused.

KGB records of telephone calls made by Ivan Silayev, the Russian prime minister, on August 20		Time	Number	Duration	Remarks
1	10.00	10.00	10.00	10.00	10.00
2	10.05	10.05	10.05	10.05	10.05
3	10.10	10.10	10.10	10.10	10.10
4	10.15	10.15	10.15	10.15	10.15
5	10.20	10.20	10.20	10.20	10.20
6	10.25	10.25	10.25	10.25	10.25
7	10.30	10.30	10.30	10.30	10.30
8	10.35	10.35	10.35	10.35	10.35
9	10.40	10.40	10.40	10.40	10.40
10	10.45	10.45	10.45	10.45	10.45
11	10.50	10.50	10.50	10.50	10.50
12	10.55	10.55	10.55	10.55	10.55
13	11.00	11.00	11.00	11.00	11.00
14	11.05	11.05	11.05	11.05	11.05
15	11.10	11.10	11.10	11.10	11.10
16	11.15	11.15	11.15	11.15	11.15
17	11.20	11.20	11.20	11.20	11.20
18	11.25	11.25	11.25	11.25	11.25
19	11.30	11.30	11.30	11.30	11.30
20	11.35	11.35	11.35	11.35	11.35
21	11.40	11.40	11.40	11.40	11.40
22	11.45	11.45	11.45	11.45	11.45
23	11.50	11.50	11.50	11.50	11.50
24	11.55	11.55	11.55	11.55	11.55
25	12.00	12.00	12.00	12.00	12.00
26	12.05	12.05	12.05	12.05	12.05
27	12.10	12.10	12.10	12.10	12.10
28	12.15	12.15	12.15	12.15	12.15
29	12.20	12.20	12.20	12.20	12.20
30	12.25	12.25	12.25	12.25	12.25
31	12.30	12.30	12.30	12.30	12.30
32	12.35	12.35	12.35	12.35	12.35
33	12.40	12.40	12.40	12.40	12.40
34	12.45	12.45	12.45	12.45	12.45
35	12.50	12.50	12.50	12.50	12.50
36	12.55	12.55	12.55	12.55	12.55
37	13.00	13.00	13.00	13.00	13.00
38	13.05	13.05	13.05	13.05	13.05
39	13.10	13.10	13.10	13.10	13.10
40	13.15	13.15	13.15	13.15	13.15
41	13.20	13.20	13.20	13.20	13.20
42	13.25	13.25	13.25	13.25	13.25
43	13.30	13.30	13.30	13.30	13.30
44	13.35	13.35	13.35	13.35	13.35
45	13.40	13.40	13.40	13.40	13.40
46	13.45	13.45	13.45	13.45	13.45
47	13.50	13.50	13.50	13.50	13.50
48	13.55	13.55	13.55	13.55	13.55
49	14.00	14.00	14.00	14.00	14.00
50	14.05	14.05	14.05	14.05	14.05
51	14.10	14.10	14.10	14.10	14.10
52	14.15	14.15	14.15	14.15	14.15
53	14.20	14.20	14.20	14.20	14.20
54	14.25	14.25	14.25	14.25	14.25
55	14.30	14.30	14.30	14.30	14.30
56	14.35	14.35	14.35	14.35	14.35
57	14.40	14.40	14.40	14.40	14.40
58	14.45	14.45	14.45	14.45	14.45
59	14.50	14.50	14.50	14.50	14.50
60	14.55	14.55	14.55	14.55	14.55
61	15.00	15.00	15.00	15.00	15.00
62	15.05	15.05	15.05	15.05	15.05
63	15.10	15.10	15.10	15.10	15.10
64	15.15	15.15	15.15	15.15	15.15
65	15.20	15.20	15.20	15.20	15.20
66	15.25	15.25	15.25	15.25	15.25
67	15.30	15.30	15.30	15.30	15.30
68	15.35	15.35	15.35	15.35	15.35
69	15.40	15.40	15.40	15.40	15.40
70	15.45	15.45	15.45	15.45	15.45
71	15.50	15.50	15.50	15.50	15.50
72	15.55	15.55	15.55	15.55	15.55
73	16.00	16.00	16.00	16.00	16.00
74	16.05	16.05	16.05	16.05	16.05
75	16.10	16.10	16.10	16.10	16.10
76	16.15	16.15	16.15	16.15	16.15
77	16.20	16.20	16.20	16.20	16.20
78	16.25	16.25	16.25	16.25	16.25
79	16.30	16.30	16.30	16.30	16.30
80	16.35	16.35	16.35	16.35	16.35
81	16.40	16.40	16.40	16.40	16.40
82	16.45	16.45	16.45	16.45	16.45
83	16.50	16.50	16.50	16.50	16.50
84	16.55	16.55	16.55	16.55	16.55
85	17.00	17.00	17.00	17.00	17.00
86	17.05	17.05	17.05	17.05	17.05
87	17.10	17.10	17.10	17.10	17.10
88	17.15	17.15	17.15	17.15	17.15
89	17.20	17.20	17.20	17.20	17.20
90	17.25	17.25	17.25	17.25	17.25
91	17.30	17.30	17.30	17.30	17.30
92	17.35	17.35	17.35	17.35	17.35
93	17.40	17.40	17.40	17.40	17.40
94	17.45	17.45	17.45	17.45	17.45
95	17.50	17.50	17.50	17.50	17.50
96	17.55	17.55	17.55	17.55	17.55
97	18.00	18.00	18.00	18.00	18.00
98	18.05	18.05	18.05	18.05	18.05
99	18.10	18.10	18.10	18.10	18.10
100	18.15	18.15	18.15	18.15	18.15

KGB records of telephone calls made by Ivan Silayev, the Russian prime minister, on August 20

Georgia trace, page 10

## IRA bomb toll rises to eight

Continued from page 1

eral Democrat leader, yesterday urged Mr Major to avoid any horse-trading which could impede the peace process. He asked: "Will you therefore support a cross-party approach to Northern Ireland affairs during the election and unequivocally reject any partisan trading with the Anglo-Irish agreement in a way that would reverse peace after the next election?"

Mr Major replied that the Conservatives stood foursquare against terrorism. Then he added, in words which some MPs took as a signal that he was keeping his options open for post-election bargaining: "I do not see any imminent change."

Security chiefs who met Mr Major on Monday are understood not to have pressed for the reintroduction of internment at this stage. Ministers have doubts whether it would succeed without similar measures in the Irish republic.

British policy options and Gay Byrne profile, page 2

## Political sketch

## Learning the art of non-questions

A quaint feature of our parliamentary system is that it permits MPs to ask the government what the government thinks; but not what the Opposition thinks. This is getting up Tory noses.

"In my judgment," said Mr Speaker... Four hundred MPs sat up and listened. "In my judgment," the election campaign started the day we came back from the Christmas recess. And that, you see, is why government backbenchers keep trying to ask about Mr Kinnoch.

Tory MPs do not want to hear about their own record. It's embarrassing. Interest in Conservatism has evaporated. Tories want to discuss Labour policies with ministers during prime time, at public expense and if possible on air. This breaks the rules.

Is that difficult to grasp? Mr Speaker is finding it hard to get across to the Conservative party. He tried explaining to Ian Taylor, "The prime minister," he said to the stunned Tory member for Esher, "can only answer for his own responsibilities. He cannot answer for the leader of the Opposition." Taylor's jaw dropped. His question had been about Mr Kinnoch's spending plans. He had spent lunch practising it. Now a procedural quick could wreck his moment.

Mr Major did his tactical best. He told Taylor why he would not opt to spend £35 bn extra. As the Speaker keeps repeating, he does permit MPs to ask about options for government. Shrewd Tories know this opens a loophole, and Dennis Skinner actually proposed (as a Point of Order) that, since the Tories seem so keen to ask about Labour policies, the MPs' week could have two days asking the Tories about their policies, and two asking Labour about theirs.

Alternatively here, for slower Tories to cut out and keep, is a guide to raising Labour policy in Tory time. Guide for backbenchers: (1) Don't mention the Labour party.

(2) Don't mention anyone in the Labour party.

(3) Don't even think about mentioning Mr Kinnoch.

(4) Describe the dreadful thing you guess the (ask — you know who) might do...

(5) Then turn, all innocent-like, to the PM or minister.

(6) And ask whether

that's something he'd ever do.

Guide for ministers:

(1) Feign shock.

(2) Exclaim that that's just the darndest, dumbest, plumb craziest thing you ever did hear.

(3) Give ten reasons why it would lead to the end of civilisation as we know it.

(4) Recall that it's official Labour policy.

(5) Sit down fast before Mr Speaker makes you.

Special Guide for Teresa Gorman

(1) Do give up trying to raise serious questions.

We single out Mrs Gorman because her question to health ministers yesterday was a casualty of the election campaign.

Mrs Gorman (C. Billericay) wanted to know whether British NHS patients could be transferred to hospitals on the Continent.

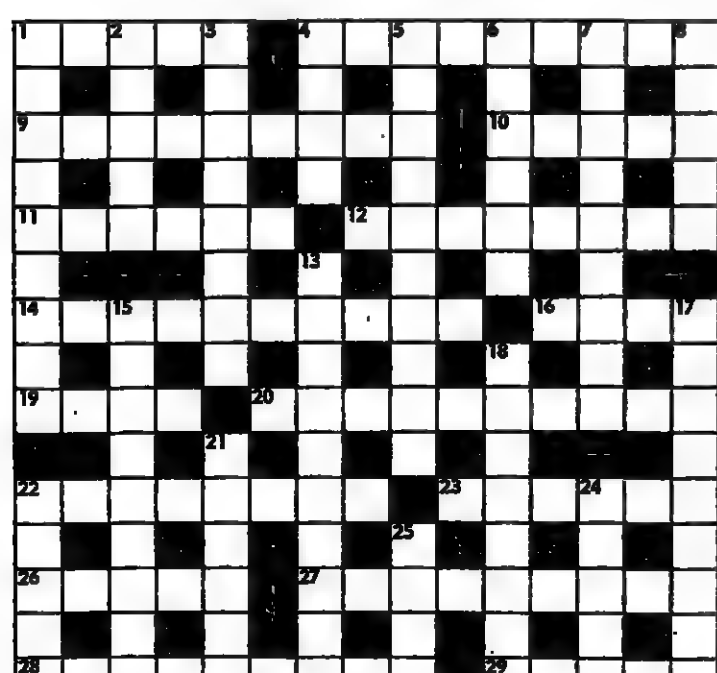
Health Minister Virginia Bottomley, irritated that there was nothing in this question about the Labour party, thought not. Well, hip replacements can be obtained at very competitive prices in France," said Mrs Gorman. She did not add that gallstone-removals were on special offer in Antwerp, but suggested that where patients were mobile treatment might be arranged abroad. It was an interesting thought.

This was her downfall. Mrs Bottomley had come for election accuracy, not a seminar with Mrs Gorman. Hearing France mentioned she pitched into a rant about how French citizens had to pay for health, unlike ours. Dame Jill Knight (C. Edgworth) invited her to agree that our NHS was superior to foreign ones. Mrs B worked herself up into a patriotic frenzy, turned to Labour, and shrieked that their policy was to run down our wonderful NHS and "demoralise staff. Within seconds we had travelled from Billericay, via France, to Labour's folly. Mrs Gorman, who had actually asked about hip operations, was left in a road-side, spluttering in the dust as Mrs Bottomley's election wagon thundered off.

"There's a word for it," said Labour's health spokesman, Robin Cook, later, "double standards". Some of us count that as two words but to Mr Cook counting is an art, not a science.

MATTHEW PARRIS

## THE TIMES CROSSWORD PUZZLE NO 18,821



**ACROSS**

- Knock back a drink fit for a king (5).
- Real chips cooked round here (9).
- Bob said you spotted the information first (9).
- Conservative and socialist coalition split up (5).
- Brewery use it primarily to ensure ale pressures original taste (6).
- For an Indian, it's expensive in France without good English (8).
- Official residence an igloo? (5,5).
- Sounding dead to find fish (4).
- Car reversing into an enclosed area (4).
- Organizes boycott of Dickens character, a disputable relation (5,5).
- Thrift about to incorporate rough mixture, something like custard (6).
- A mixture of milk, egg and flour you need to beat (6).

**DOWN**

- Writer who sounds uncivilized (5).
- "I'm part of the company" I gurgled, "I have been engaged" (4,5).
- An unknown vessel overrun by untidy herds (4,5).
- Subject other people to extreme pressure (5).
- Straight off (5,4).
- Sail into port (5).
- Remaining in devotee's protection, a small creature (4-4).
- Turn amused a lot (4).
- Retire, or else encounter dismissal (3,3,4).
- Log — note the amount of wood that's been cut (6).
- Master a language spoken all over China (9).
- In general, it helps being flexible (5).
- Marine understood a maritime flag (5,5).
- Unconventional, like the Baker Street Arabs (9).
- Speed sure to be altered to overtake (9).
- It's up to the cricketer second in to show a little delicacy (8).
- Record in a book the name of coat's owner (6).
- In time, going in the wrong direction, we went off course (5).
- Haul in a moment (5).
- Plane perhaps targeted while others are ignored (4).

## WORD-WATCHING

A daily safari through the language jungle. Which definitions are correct? By Philip Howard

**CALLANETICS**  
a. Beautiful body building  
b. Blood-sucking acarids  
c. Investigation by oral questions

**CLUMBER**  
a. Wood scraps  
b. A breed of dog  
c. An amateur mountaineer

**POMFRETT**  
a. A heraldic beast  
b. The crest of a horse  
c. A fish

**TIGON**  
a. A rough cross  
b. A builder's bracket  
c. The ancient Greek brassiere

Answers on page 18

## AA ROADWATCH

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**London & SE**  
C. London (within N & S Crcs) 731  
M-ways/roads M4-M1 732  
M-ways/roads M1-Dartford T 733  
M-ways/roads Dartford T-M23 734  
M-ways/roads M23-M4 735  
M25 London Orbital only 736

**National**  
National motorways 737  
West Country 738  
Wales 739  
Midlands 740  
East Angles 741  
North-west England 742  
North-east England 743  
Scotland 744  
Northern Ireland 745

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## WEATHER



# THE TIMES BUSINESS

WEDNESDAY JANUARY 22 1992

BUSINESS EDITOR JOHN BELL

- BUSINESS NEWS 21-27
- TAXATION EXAMS 33
- LAW REPORT 34
- SPORT 34-38

## TODAY IN THE TIMES

EAUX NO

On the Continent a simple, hostile bid for a company is novel. But Helmut Maucher's Nestlé bid for Perrier breaks with this tradition  
Page 25

## CO-OPTED

The Co-operative Wholesale Society is about to become bigger in the high streets than the Co-operative Retail Society  
Page 23

## REJECT

Anne Vinton, joint chairman of The Reject Shop, is looking forward to selling an Addams family hand next Christmas  
Page 23

## USURY

Pakistan has thrown its financial system into disarray by banning all forms of interest on bank accounts  
Page 23

## AGHAST

Robert Evans has to contend with cuts in market share ordered by the Office of Fair Trading  
Comment, page 25

## THE POUND

US dollar 1.8090 (+0.0128)  
German mark 2.8600 (-0.0040)  
Exchange Index 90.7 (+0.2)  
Bank of England official close (4pm)

## STOCK MARKET

FT 30 share 1974.1 (+2.2)  
FT-SE 100 2543.4 (-1.5)  
New York Dow Jones 3235.91 (-18.12)  
Tokyo Nikkei Ave 2085.30 (-55.52)

## INTEREST RATES

London: Bank Base: 10 1/4%  
3-month interbank 10 1/4%  
3-month eligible bills 10 1/4%  
US: Prime Rate 6 1/4%  
Federal Funds 4 1/4%  
3-month Treasury Bills 3 3/4%  
30-year bonds 10 1/4%  
105 1/2

## CURRENCIES

London: New York  
£: \$1.8090  
DM: DM1.9540  
Sfr: Sfr1.4035  
FF: FF5.3690  
Yen: Yen123.15  
Index: 90.7  
ECU: ECU1.40278  
ECU/£: 1.40278  
London foreign market close

## GOLD

London Fixing:  
AM \$357.35 pm \$357.80  
close \$357.25-357.75 (\$197.30-197.81)  
New York:  
Comex \$358.25-358.75

## NORTH SEA OIL

Brent (Feb) \$17.50 bbl (\$18.25)

## RETAIL PRICES

RPI: 135.7 December (1987-100)  
\* Denotes midday trading price

## Slump in London to continue

# Mixed economic recovery likely for regions

By ANATOLE KALETSKY, ECONOMICS EDITOR

LONDON and the West Midlands, already hardest hit by the recession, will have to wait until 1993 for an economic recovery.

Most other regions, however, have probably already started to recover and should be enjoying solid growth by the end of this year. The findings, from the annual regional forecast published this morning by Cambridge Econometrics, will be particularly unwelcome to the government because London and the Midlands contain the highest concentration of marginal parliamentary seats.

The Cambridge economists argue that London's economy will continue to suffer from the after-effects of the Eighties' commercial property boom even after the residen-

tial housing market recovers and the national economy pulls out of recession. The West Midlands, a region exceptionally dependent on manufacturing, has borne the brunt of the high level of sterling chosen for ERM membership and has also suffered more than other regions from the cyclical downturns in car sales and manufacturing investment.

According to the Cambridge analysis, London has lost 250,000 jobs since the beginning of the recession and employment will fall a further 170,000 before stabilising around the middle of 1993. The unemployment rate in London, which increased 2.8 percentage points in the year to last June, will rise a further 1.8 points to almost 10 per cent.

The West Midlands will

suffer an even steeper rise in unemployment, as its economy is expected to expand only 0.2 per cent this year. The region's jobless rate, which increased 2.4 per cent in 1991, will jump a further 2.1 points to almost 11 per cent.

The UK economy as a whole, by contrast, should grow about 1.3 per cent this year, excluding north sea oil output. The national unemployment rate is predicted to rise 1.6 points to about 9.7 per cent in the year to June.

The strongest regions this year will be East Anglia, Scotland, Northern Ireland and the South-West, with growth of between 1.7 and 2.6 per cent. The South-East apart from Greater London should also enjoy a noticeable recovery, with growth of 1.6 per cent. The contrast between London and the rest of the South-East is explained largely by the impact of the commercial property slump on the London economy.

□ Fears that the national economy would only recover very slowly from the recession received further confirmation yesterday from weak data on bank lending and money supply. Bank and building society lending to the private sector grew only £1.1 billion in December, almost unchanged from the depressed levels of September and October. The figures confirmed that £5.5 billion jump in lending in November was a freak figure caused by special factors, as official economists said at the time. December's lending figure was at the bottom of City expectations. The M0 measure of money supply grew 2.8 per cent in the year to December, down from 2.9 per cent in November. Seasonally adjusted money supply grew at an annual rate of 3 per cent, the same as in the previous three months.

## Confidence weak among consumers

By PETER VICTOR

CONSUMER confidence remains weak, according to a Gallup/Business Strategies survey of 6,000 in the final quarter of last year. Consumer expectations were said to have risen slightly, but actual spending remains weaker.

Gordon Heald of Gallup, which carried out the regional survey with Business Strategies, a research and information company, said: "Consumer confidence may be leveling off, but at the moment we have no indication of any upturn."

Bridget Rosewell, the managing director of BSL, said: "People seem to have become a little more optimistic. They

expect their financial situation to improve over the next 12 months and expect the economy to improve. In comparison with a year ago, we've got quite a big improvement in consumer sentiment."

Fear of unemployment is still strong in several regions. Only East Anglia and the South-West showed a reduction in their concern about unemployment. However, the South-East, which has suffered job losses in service industries, remains relatively depressed. Mrs Rosewell said: "The results suggest that the region has borne the brunt of the recession and that spending is still down."

## Nationwide told to pay up

By LINDSAY COOK, MONEY EDITOR

THE Nationwide Building Society has been ordered to pay compensation to an investor who lost interest when one savings account was closed to new investors and a new one offering a higher rate of interest was launched.

The award was made by Stephen Edell, the building societies ombudsman. It was the first ruling on obsolete accounts and the first time he has issued a statement on a specific decision identifying the society.

The case, which will open the way for many more Nationwide investors and those from other societies to receive compensation for lost interest, involved the second largest building society's instant access BonusBuilder account. This was superseded by its CashBuilder account on September 24, 1990. It took al-

most three months before the investor discovered that the new account offered a higher rate of interest and transferred her savings.

She claimed the difference between the interest earned and what it would have earned in the new account between the launch of the new account and December 15 when she transferred her savings. The compensation was about £30.

Mr Edell said savers should be vigilant about their investments but "the publicity undertaken by the society was not fully adequate to ensure that information about the interest rate on her BonusBuilder account was reasonably accessible to her."

Nationwide says it will consider each claim it has already received "on its merits". It does not believe the deci-

sion opens the way to new claims. "It is likely that any member who had a concern about that event or consequential communications to members will by now have registered the fact with the society or the ombudsman."

It defended the way the new account launch was handled, saying it was "in accordance with previous commercial practice of the building societies movement as a whole and was consistent with the ombudsman's published annual reports."

Last year Mr Edell said investors should be vigilant but societies should ensure relevant information about all accounts was reasonably accessible.

In a separate case, also involving the Nationwide Building Society, Mr Edell ruled in favour of the society.



Profits stacking up again: John von Spreckelsen, chief executive of Budgens. (Photograph: Des Jensen)

## Threat to Maxwell fund trustees

By NEIL BENNETT, BANKING CORRESPONDENT

A JOURNALIST at Mirror Group Newspapers is threatening action against the trustees of the pension fund and its advisers in an effort to replace missing funds.

Peter Cane, who works on the Daily Mirror, has written to the board of MGN pension trustees, demanding details of any advice it has been given on possible legal action against the fund's previous advisers, and on any move it could take against MGN to replace missing funds.

Mr Cane has given the trustees until next week to reply or he will take the matter to the High Court. He is already instructing solicitors to begin action unless the trustees prove they are taking necessary steps to recover money.

Until November, the pension funds were administered by MGMT, a separate trustee company chaired by Robert Maxwell.

MGN pension trustees announced last week that there were insufficient funds to pay existing pensioners in full, and that if the pension funds were wound up, current contributors and deferred pensioners would receive nothing. Mr Cane wants the trustees to enforce an employers' solvency guarantee forcing MGN to replace the funds.

A dispute is developing over the ownership of some furniture in the auction of the contents of Robert Maxwell's flat.

MGN has laid claim to some of the items, while Arthur Andersen, the administrator to the Maxwell private companies, is also expected to claim part of the proceeds.

## Littlechild seeks high-tech meters

By MARTIN WALLER

A CALL to drag the humble electricity meter into the 20th century and take advantage of the new technology now available has come from the industry watchdog charged with safeguarding the consumer, Professor Stephen Littlechild, director general of electricity supply.

"Most meters in use today are based on technology introduced over 100 years ago," he said in a consultative document, which urges the electricity industry to plan for metering and communications systems, before the entire supply market is opened up to more competition in 1998.

At that date, all 22 million electricity customers will be able to choose a given supplier, including all the domestic consumers now required to buy from their area company.

Professor Littlechild said this deadline, and an earlier one in 1994 when the number of customers able to shop around will rise tenfold as the rules are further relaxed, will

require a "rapid but orderly" change in meters and the way information is communicated to and from them.

Professor Littlechild said: "Public electricity suppliers should ensure that the communications infrastructure will be in place to accommodate the new technology."

Among the potential advantages to domestic customers identified are remote meter reading, which would cut down on the number of estimated bills, a prime source of complaints to the watchdog. Customers could also have a compact instrument on the kitchen wall telling them how much their account is in debit or credit.

Home-owners will soon have the right to buy the meter of their choice by agreement with the supplier. For the electricity companies, two-way communications would allow tokenless prepayment for problem customers and detection of any theft of power by meter tampering.

## Budgens rings up £2.24m

By GILLIAN BOWDITCH

BUDGENS, the food retailer in which Sir Ron Brierley, the New Zealand businessman, has a 23.1 per cent stake, is showing signs of recovery after its £21.7 million rescue rights issue last July.

The new management team headed by John von Spreckelsen, the chief executive, reported an interim profit of £2.24 million for the six months to November 9, compared with a loss of £33,000.

Turnover rose from £144 million to £157 million and there was an exceptional credit of £842,000 for payments from Beta Stores. Earnings per share were 1.46p compared with a loss of 0.03p. No interim dividend has been declared and none was declared last time.

Mr von Spreckelsen said gearing had been reduced from 140 per cent before the refinancing to under 40 per cent at present.

Times, page 24

## PERFORMANCE PEP

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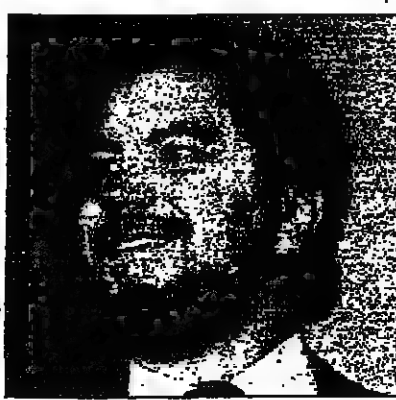
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\*Over 5 years Mercury General +57% net +52% gross: FT-A All-Share: +67% net. □ All figures offer to bid to 1.1.92. Source: Micropal □ Past performance is not necessarily a guide to the future. □ The value of investments may go down as well as up and you may not get back the amount you invest



Sugar: "good financial shape"

MORE than 2,000 small shareholders in Tottenham Hotspur, a fifth of the total number of investors, have stumped up an average of about £80, or the cost of entry to ten home games, in support of the company's £7 million rescue rights issue. And one supporter - Alan Sugar of Amstrad - is backing the team with personal funding of £8 million.

The take-up is a tribute to the financial support given by the club's supporters in its financial as well as its sporting affairs. Few other companies could have expected 20 per cent of their shareholders to support an issue of new shares priced at 36p above the level at which they had been suspended for more than a year.

Total acceptances of the 125p rights issue were 42.4 per cent, but the vast bulk of this was accounted for by Mr Sugar, the new chairman and largest shareholder, and Edennote, a company owned by Terry Venables, the chief executive.

The remaining shareholders took up 166,364 shares or less than 3 per cent of the total. The only other notable shareholders in Tottenham, Tony Berry and Barry Kennedy, did not take up

their rights. Almost all of the institutional shareholders bailed out when Alan Sugar and Terry Venables made their 75p bid offer last summer.

The shares that were not taken up have been underwritten by Mr Sugar and a company controlled by a former director of Tottenham.

the sale of Paul Gascoigne to Lazio falls through. Edennote has a 22.1 per cent stake and Mr Berry, who is also a director, has about 5 per cent. The total director holding is only just below the 75 per cent limit imposed by the stock exchange.

Mr Sugar said he was "surprised and delighted" by the outcome of the cash call, describing the level of take-up as "particularly high... when one considers that our shareholders are not, in the main, traditional investors in the market".

He also exhorted the financial press to drop the "troubled" or "financially stricken" tag that it has tended to attach to the Tottenham Hotspur name. "The rights issue is the last of a series of measures designed to put Tottenham back into good financial shape. We will now be able to trade like any other publicly quoted company," Mr Sugar said.

The rights issue will reduce Tottenham's debts, which once threatened to put the company into receivership, to about £5 million. The company is expected to return to profit this year. The shares were yesterday trading at an unchanged 95p.





KYOSHI WATANO, MANAGING DIRECTOR OF ALPS ELECTRIC (UK) LTD.

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# Co-op seeks to expand through mergers

By Derek Harris

AS GROCERY market leaders face up for what might become a price war, the disparate retailing network of the Co-op is about to strengthen its hand through merger.

The Co-operative Wholesale Society (CWS), the financial powerhouse of the Co-op, whose subsidiaries include

the Co-operative Bank and CIS, the insurance arm, is set to become the movement's biggest retailer via two mergers. One is with the £380-million annual sales Greater Nottingham Co-operative Society, the third-largest independent Co-op retailer. The other involves the £56-million sales Cumbrian society.

Current turnover at CWS is more than £3 billion a year. The mergers would take it as a retailer ahead of CRS, like CWS, based in Manchester, but with a big national spread of retailing. CRS accounts for just over a fifth of all Co-op retailing; the mergers would give CWS just over 25 per cent.

The Co-op seldom catches the attention of City analysts who concentrate on quoted companies: J Sainsbury and Tesco. Stores are the clear leaders, and then at about the same level in market share are Asda, Argyl with Safeway and Isocoles with Gateway. Asda, under its new management, promises to intensify competition in both food and non-food sectors just as Sainsbury and Tesco have been paring some prices.

The Co-op, made up of 65 independent retail societies, has about the same share of the grocery market — rather more than 10 per cent — as Asda, Argyl and Isocoles. Of the total food market, the Co-op has been holding on to 7.5 per cent share and of retail trade as a whole 4.4 per cent.

CWS, whose chief executive is Sir Dennis Landau, moved into retailing by taking over most Co-op operations in Scotland and then those in greater London south of the Thames, as well as key Northern Ireland operations.

Most recently it merged with the North Eastern society, one of the biggest regional societies, breaking new ground by leaving the North Eastern with a big measure of autonomy.

The deal was masterminded by David Skinner, who takes over from Sir Dennis when he retires in June. Mr Skinner is currently CWS deputy chief executive in charge of retailing and services, and his coming elevation has been taken as a signal that CWS will become an even bigger force in Co-op retailing.

The merger with Cumbria, due next month, will give CWS coast to coast trading in the north of England, with the Cumbria society financially strong and profitable.

The Nottingham society, whose chief executive is Frank Doherty, approached CWS about a merger on the lines of the North Eastern deal. That deal, which could go through in March, would leave the Nottingham board and its management team, including Mr Doherty, in place.

## ICI and Ferro call off talks

TALKS to create a \$200 million joint venture in industrial powder coating between ICI and the American manufacturer Ferro Corporation have been called off. The two parties failed to agree on the composition of the management team and on financial resources for the venture.

Both companies said yesterday that the discussions, which started in August, had been discontinued. ICI would have had a 51 per cent stake in the venture, which would have had total sales of \$200 million a year.

The proposed link-up had been a logical one, given that both Ferro and ICI's Glidden paints business were headquartered in Cleveland, Ohio. An ICI spokeswoman said: "We are disappointed but still looking for further opportunities. It's a market that we still want to pursue with vigour, and we want a global position."

It is thought that Ferro was unhappy at having to cede operational and strategic control to ICI, despite the British company's proposed majority stake.

The decision to abandon the talks was mutual. ICI is not thought to be talking to other businesses about its powder coating operation, a process that is used to provide protective cover for a range of industrial products.

## Ross buys clock firms

ROSS Group, the fast-growing consumer electronics and specialist packaging combine, estimates that it will control more than 10 per cent of the UK clocks market after completing two acquisitions worth £810,000.

Ross is buying Steven Strauss, distributor of Ingersoll, Estyma and President clocks, from Zeon for a maximum of £540,000, subject to final stock valuations. Zeon's warehouse in north London is not part of the deal.

Ross will integrate the clock distribution operation, which last year generated sales of £2.3 million, with its existing clock business in Southampton.

Ross has also acquired the assets of Metamec Clocks and Lighting from the company's administrative receivers for £270,000 in cash. Metamec, which manufactures clocks under the Metamec, St James' Clock Company and Gloucester Clock brands, had sales last year of £2.9 million. Production of Metamec clocks has been resumed at East Dereham, Norfolk.

## Borland shares fall

SHARES in Borland International, which more than doubled in value last year, fell 350p to £37.50 after the American computer software company reported net profits of \$6.83 million in the third quarter, down from a restated \$7.54 million.

Last year's comparable figures have been adjusted following the \$430 million merger with loss-making rival Ashton-Tate, which was announced in July. Third-quarter earnings were unchanged at 28 cents a share, while turnover fell 6.6 per cent to \$114.58 million.

Results for the three months to the end of December included a restructuring charge of \$6 million and a tax benefit of \$7 million, both associated with the merger. The results leave a net loss of \$83.52 million for the nine months to the end of December, compared with a net profit of \$2.04 million the previous year. There was an operating loss of \$103.75 million, against a profit of \$3.17 million.



Hard times: Anna Vinton and Anthony Hawser, of The Reject Shop, yesterday

## Central Motor drives ahead

By Martin Barrow

SHARES in Central Motor Auctions rose 18p to 122p on news of a 13.4 per cent rise in annual profits, bucking the trend in the depressed motor retailing sector.

In the 12 months to the end of October, the company, which claims to be the largest independent motor vehicle auction group in Europe,

raised pre-tax profits from £1.8 million to £2.1 million.

The improvement followed a 14.8 per cent increase in auction proceeds, from £287.65 million to £330.27 million, at CMA's seven centres. There was a 6 per cent rise in sales of cars and light vans and an increase in sales of heavy commercial vehicles.

Redevelopment of site in London and Glasgow and the transfer of a site to Rothwell, near Leeds, helped cut costs and overheads from £10.53 million to £9.58 million.

Capital expenditure of £15 million over the past two years has resulted in net borrowings of £1.5 million and gearing of 10.5 per cent after exhausting CMA's cash balances, which were boosted in February 1990 via a £3 million rights issue.

## Royal Bank charter wins approval

By Neil Bennett, Banking Correspondent

THE Royal Bank of Scotland has launched a banking charter designed to be tailor-made to suit the needs of each of its small business customers.

The charter was welcomed by small business pressure groups, who say Royal Bank has gone furthest of any bank trying to meet their demands.

Stan Mendham, the Forum of Private Business chief executive, said the Royal Bank code came close to a contractual agreement that the forum had sought. "We

like the philosophy of a service tailor-made to a company's needs. Businesses do not want a bank's standard package."

Under the initiative, each of the Royal Bank's 100,000 small business customers will receive a letter outlining the charter's points. This will detail charges and provide contact names and telephone numbers at the bank to give the company easy access to the manager who handles the account. The Royal Bank has

also promised it will only withdraw overdraft facilities "in exceptional circumstances", even though it has the right to recover all overdrafts on demand.

Like others, the Royal Bank will introduce pre-notification of charges and warn customers two weeks before it deducts any charges from their accounts. The scheme will be put into practice by the end of the year.

In return for these new services, the Royal Bank is

## The Reject Shop feels rejected

By Gillian Bowditch

ANTHONY Hawser, joint chairman of The Reject Shop with Anna Vinton, feels the trading situation cannot be worse than last year. The recession was exacerbated by the increase in value added tax in the spring, rises in the uniform business rate and the fire bombing of one of its busiest London shops in November.

Even the worldwide boom in the popularity of trolleys, the Reject Shop's best selling line this Christmas, did little to dispel the gloom. Even so, Mr Hawser expects the group's full-year results to be satisfactory, despite its first-half loss.

The pre-tax loss in the six months to end-September was £587,000 against a loss of £501,000. Turnover was £8.9 million, down from £9.17 million, and the interest charge was £190,000 against £157,000. The loss per share was 3.97p compared with a loss of 2.1p and the interim dividend has been maintained at 1.05p.

Mr Hawser said the interim results were in line with expectations. Like-for-like sales, excluding VAT, fell 16 per cent in the first half. In response, the group implemented rigorous control of costs and margins.

Christmas trade was disappointing, but sales since the beginning of October, while erratic, have improved. Mr Hawser said that people tend to buy fewer gimmicks towards the end of a recession.

Central London, where the group has five of its 25 shops, was particularly quiet. The Tottenham Court Road store was fire-bombed on November 30. The damage was extensive and the group says it is unlikely that the store will open again during the current financial year.

The extra costs of the uniform business rate were £100,000 in the first half. Stock has been reduced and total borrowings at December 23 were £374,000, against £1.56 million. The group expects to open a further five stores this year.

Mr Hawser believes that 1992 will be a tough year for the group but he expects it to be better than 1991. The final quarter of last year was one of the worst the group has suffered. The shares on the Unlisted Securities Market fell 2p to 62p.

## BUSINESS ROUND UP

### United Technologies to cut 14,000 jobs

UNITED Technologies, the American conglomerate that owns a significant slice of Westland Helicopters and competes with Rolls-Royce in aero engines, yesterday announced a \$1 billion loss and almost 14,000 job cuts worldwide. One in eight white collar jobs and almost one in 14 factory jobs will go in a 16 per cent reduction of the group's manufacturing capacity. About 100 facilities will close.

United Technologies estimates the action will save \$1.1 billion by 1994. On Wall Street, the shares dropped \$1 to \$54.50. Reorganisation costs of \$1.275 billion pushed United just over \$1 billion into the red, compared with a \$750 million profit last year. Sales were 2 per cent down at \$21.2 billion.

### Willis Corroon buy

WILLIS Corroon, the insurance broker, has bought an initial 55 per cent stake in Willis Faber Dumas, a Swedish business, for an unspecified cash payment, part of which is deferred to 1995. Private individuals own the rest of the company, which is based in Gothenburg. Willis Corroon said the company's 1991 operating revenue was Kr3 million (£290,000). Willis Corroon has options to increase its stake in the company, based on a profit-related formula, but it gave no details.

### Birse pegs dividend

BIRSE Group, the construction, engineering and property company, has maintained its interim dividend at 1.65p, despite a 62 per cent slump in pre-tax profits to £1.8 million for the six months to end October. Although the dividend was barely covered by earnings, the company said the decision was justified by its confidence in its prospects, assuming trading conditions improve. The company has changed its accounting policy on interest capitalisation. In future, interest costs will be written off as incurred.

### Holographics cuts loss

APPLIED Holographics, which has not made a profit since it joined the Unlisted Securities Market in 1984, reduced its losses from £1.3 million to £681,394 in the six months to the end of September. Losses per share fell from 8.7p to 4.5p. There is again no dividend. David Mahony, chairman, restated his view that shareholders should take "a medium-term view" of the company's prospects. Turnover was virtually unchanged at £2.46 million, but last year's figure included £392,595 from discontinued operations.

### Jurys expects recovery

JURYS Hotel Group, the hotel chain based in Dublin, said improved trading in recent months should produce a recovery in revenue over the second half of the current financial year. In the six months to the end of October, pre-tax profits fell from Ir£2.59 million (£2.4 million) to Ir£2.07 million and earnings per share from 9.89p to 7.31p. The interim dividend is held at 2p a share. Turnover was Ir£14.65 million against Ir£14.17 million in the first half of the previous year.

### Oil prices fall further

SAUDI Arabia's move to reduce its oil output by a symbolic 100,000 barrels per day — out of total production of 8.5 million bpd — failed to revive oil prices yesterday. The widely traded March Brent fell 21 cents to \$17.80 a barrel, amid concern that a concerted campaign by the Organisation of Petroleum Exporting Countries to curtail production was doomed without more substantial support from Saudi, the cartel's largest oil producer. Venezuela, Libya, Nigeria, Algeria, Iran and Qatar have already pledged similar cuts.

### Celltech halves losses

CELLTECH Group, the privately owned biotechnology company, has more than halved pre-tax losses from £12.5 million to £6.6 million for the year to end-September and has confirmed that it intends to float its shares on the stock market. Turnover fell from £19.9 million to £17 million. The biotechnology division, which comprises the company's manufacturing and trading operations, increased its contribution to operating profit from £0.35 million to £0.5 million. Capital investment during the period was £0.9 million.

### Gillette challenged

THE European Commission has sent a "statement of objections" to Gillette about the razor maker's takeover of Wilkinson Sword in 1990 and is now discussing possible solutions with the firm, a commission spokesman said. But he would not elaborate on what had sparked intervention by the commission, the main corporate watchdog for deals within the EC.

### C&G lowers its rates

THE Cheltenham & Gloucester Building Society cut its mortgage rate for new borrowers by three quarters of a percentage point to 9.75 per cent yesterday. The society's base mortgage rate for existing borrowers will fall to 10.75 per cent on April 1.

## THE TIMES

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## BP sells Egyptian oil assets

By Our City Staff

BRITISH Petroleum has agreed to sell its Egyptian oil production assets for \$125 million, continuing the big disposal programme that is intended to strengthen its balance sheet.

BP announced yesterday that Repsol, of Spain, had agreed to buy its Egyptian assets, comprising 33.3 per cent stakes in two concessions, Gulf of Suez East and Gulf of Suez West.

Net production attribut-

able to BP is 15,000 barrels per day. The other one-third partners are Deminex, the operator, and Shell. The sale, which is subject to the approval of the Egyptian government, does not include BP Exploration's 25 per cent interest in the El Qar gas project, which is still under development.

The Egyptian sale continues BP's extensive asset disposal programme, which is aimed at containing borrow-

ing levels, while expenditure on exploration and development in so-called frontier areas gathers pace.

BP, which has gearing of about 70 per cent, principally because of the 1989 buy-in of part of the Kuwaiti government's shareholding, raised about \$650 million by selling its American onshore interests. Smaller disposals included the \$40 million sale of a stake in the North Sea's Victor gas field.

## L&M writes off £17m

By Sara McConnell

LONDON and Manchester Group, the insurance company, announced yesterday that it had made bad debt provisions of £17 million against its existing commercial loan book.

The group has stopped making commercial mortgage advances and is sourcing residential loans through third parties.

John Thomson, chairman of London and Manchester, said the deep and continuing recession had pushed down

the perceived values of commercial property and reduced the ability of borrowers to sustain the cash flow to meet overheads.

The group expects the 1991 final dividend to be maintained at 9.144p and a 2 per cent increase in the total dividend to 13.572p.

As with other insurers, however, single-premium life and pensions business at London and Manchester was up last year, by 66 per cent to £115 million.

## Islam rules out bank interest in Pakistan

FROM ZAHID HUSSAIN IN KARACHI

A RULING from Pakistan's federal Sharia (Islamic law) court banning all forms of interest being paid or charged by banks and financial institutions has thrown the country's financial system into disarray.

The judges said the Koran prohibits *riba* (interest) and have directed the government to abolish all interest-based banking and financial systems by June 30. They also declared all government-sponsored saving bonds to be against Koranic tenets. The government is bound to implement the judgment unless it is overruled by the Supreme Court.

Senior bankers fear a collapse of the country's economy and financial systems if the ruling is implemented. They contend that banks and other financial institutions would have no choice but to close as they cannot be expected to give money without any return.

Alison Rizvi, a senior law professor, said: "If the government goes by the judgment, it takes the risk of going bankrupt literally overnight. The government will not be able to obtain any loans from local and foreign sources and would have to default on repayment of existing loans."

Mian Nawaz Sharif, the prime minister, who has pledged to enforce Sharia, runs the risk of an Islamic



Sharif: Sharia pledge fundamentalist backlash if he ignores the court's ruling or even challenges it in the Supreme Court. Qazi Hussain Ahmed, chief of Jamaat-i-Islami, an impor-

tant component of the ruling Islamic Democratic Alliance, has said that his party would quit the coalition if the government insisted on continuing with interest-based financial systems.

The cabinet is divided on the issue. Maulana Abdus Sattar Khan Niazi, the minister for religious affairs, said the government would abide by the court's ruling and abolish interest within the stipulated time.

However, Sardar Asif Ahmad Ali, the minister for economic planning, has said that there does not exist any alternate Islamic banking system and banning of the interest would be disastrous for the economy.

He said: "Not only will the internal banking system col-

lapse, but all the foreign countries and financial institutions will stop lending to Pakistan."

Officials said more than £3 billion has been invested in various government saving schemes and another £600 million in prize bonds. Abolition of interest would lead to widespread withdrawal of the funds. "This will result in the collapse of the entire financial system," a senior banker said.

Despite threats from the Islamic fundamentalists, Muslim Commercial Bank, which was recently privatised, has filed an appeal in the Supreme Court against the judgment. Observers believe that it will be difficult for the Supreme Court to reverse the ruling.



# Dow opens with fall of 10 points

three weeks.

□ **Sydney** — Overseas investors sold shares amid continued worries about the volatile Japanese market. The all-ordinaries index closed 20.9 points lower at 1,646.6.

□ **Singapore** — Share prices closed mixed. The Straits Times industrial index ended at 1,535.85, up 10.46 from Monday's close. (Reuters)

The banks were unable to establish any real trend with prices closing mixed before next month's dividend season. There were gains for National Westminster 3p to 288p, Royal Bank of Scotland 1p to 172p but losses were recorded in Bank of Scotland 1p to 114p, Barclays 1p to 392p and Lloyds 2p to 402p.

Abbey National shrugged off this week's downgrading by UBS Phillips & Drew with a rise of 3p to 293p. UBS has cut its 1992 pre-tax profit estimate by £60 million to £635 million and its dividend forecast from 11.75p to 11.15p.

MICHAEL CLARK

returning to the black at the halfway stage. There was selective support for the other supermarket chains with Argyl adding 2p to 302p, Iceland 2p to 440p, William Low 17p to 274p, and J



## ence at B

## Doubts cloud renaissance at Budgens

27 per cent fall in interim pre-tax profits is a quick of accounting. The drinks group bought out the remaining 48.1 per cent stake in J E Mather in December 1990 for £12.2 million cash and thus no longer has a minority charge.

So, while pre-tax profits for the half year ended October slipped from £3 million to £2.2 million, reflecting tougher trading, net earnings per share rose from 12.0p in 1989 to 16.4p in 1990.

Losses before tax for the full year will be about £400,000 and a dividend is most unlikely before 1993. Any pick-up in the London property market will also

property market will clearly feed quickly through to the bottom line, but the country and agricultural sector may lag behind, dragging down the performance of the group.

**Matthew Clark**  
MATTHEW Clark's 27 1/2-year

	Period
FT-SE 100	Mar 92

Previous open interest: 36264	Jun 92	---
<b>Three Month Sterling</b>	Mar 92	---
Previous open interest: 184548	Jun 92	---
	Sep 92	---
<b>Three Mth Eurodollar</b>	Mar 92	---
Previous open interest: 39405	Jun 92	---
<b>Three Mth Euro DM</b>	Mar 92	---

Previous open interest: 210502	Jan 92	...
<b>US Treasury Bond</b>	Mar 92	...
Previous open interest: 4539	Jan 92	...
<b>Long Gilt</b>	Mar 92	...
Previous open interest: 54553	Jan 92	...
<b>Japanese Govt Bond</b>	Mar 92	...
	Jun 92	...

German Geym Bond	Mar 92	...
Previous open interest: 13172	Jun 92	...
Three month ECU	Mar 92	...
Previous open interest: 6822	Jun 92	...
Euro Swiss Franc	Mar 92	...
Previous open interest: 25819	Jun 92	...

power in thin trade as  
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London raw sugar prices  
on a steadier New York  
ed mixed with stronger

**GNI LONDON  
GRAIN FUTURES**

Jan	125.35	Premium
Mar	127.10	Gasoil E
May	130.75	Non EEC
Jun	132.40	Non EEC
Sep	112.00	3.5 Fuel
	Volume: 294	Naphtha

**BARLEY**

Jan _____	118.65	Feb _____
Mar _____	119.90	Mar _____
May _____	122.35	Apr _____
Sep _____	108.50	May _____
Nov _____	122.00	
Volume 12		

Feb	130.00
Apr	128.80
Jun	123.90
Aug	124.50
Oct	127.00
Volume: 80	

POTATO		
Grain	Open	Close
Mar	118.0	116.0
Apr	118.5	118.0
May	130.0	130.0

Volume: 17

WATKINS  
No. 1, 1988 COT

Feb _____ \$1.50-\$1.00	(Spt)
<hr/>	
(Official) (Volume preceding)	LONDON
Copper Gds: A (6/ounce) _____	Cash: 1194
Lead (6/ounce) _____	286.5
Zinc Spec: Hi Gds: (6/ounce) _____	1151
Tin (6/ounce) _____	5445

Aluminum HI Gals (3/1000) — 1198  
Nickel (3/1000) — 7990

71199.5	1223.0-1223.5	1018875
-7600.0	7600.0-7605.0	51180

Overnight: Old \$85.00-86.00 (\$47.00-48.00)  
Business: \$345.15 (\$191.80) Silver: \$4.3

(2.375) Palladium: \$84.00 (\$46.70)

1001.00 (240.00)



## Lloyd's damage limitation

Controversy over the Rowland report into financing Lloyd's, fuelled again in *The Times* letters page today, has understandably centred on the one section of the report's recommendations firmly rejected by the insurance market's ruling council. By making its stand over the issue of how Lloyd's should be governed, the council has settled on shaky ground. Lloyd's ought really to have been included in the Financial Services Act of 1986, as *The Times* argued at the time. Lloyd's would then have been forced to separate control and development of the market from regulation of practitioners, as the Stock Exchange has to the benefit of both. Lloyd's was excluded from the FSA partly for legal reasons, since the status of underwriting names is not the same as that of investors, and partly because Lloyd's was in the throes of another state-based reform package. But this principle of the financial services laws would be equally suitable for Lloyd's.

Were it not for the council's firm opposition, governance would by no means be seen as the most important issue raised by the Rowland report. Increased rights for names on the lines of those available to company shareholders, as recommended by the report, are overdue. Its proposals for utilisation of investment in Lloyd's and an eventual secondary market in syndicate participations would do much to improve the position of names by increasing flexibility. Indeed, the secondary market should be given high priority, not to be put to one side for three years.

In the long run, however, the most fundamental implication of the Rowland report is that Lloyd's devotion to unlimited liability seems doomed. Capping individual losses by an excess loss pool is a modest short-term palliative, though comforting for prospective names who may fear truly ruinous losses. The proposal that limited liability companies should be allowed to join underwriting syndicates, albeit with safeguards, will surely lead to much bigger changes. Lloyd's wants to base its investment appeal on wealthy individuals but it fears that may not yield enough capital in the long run. That fear may prove self-fulfilling. The market would then change fundamentally, but keeping London's pre-eminence as an insurance market is, in the end, more important than the tradition of unlimited liability, in which, unlike some more recent traditions, Lloyd's can take genuine pride.

## Smoke signals

Shareholders were ignored by the competition authorities when they coerced British Gas into agreeing to cut its share of the industrial gas market from 90 per cent to 40 per cent by 1995. There is, however, no reason why British Gas should ignore the effect on shareholders. Stephen Turner, oil analyst at Smith New Court, has come up with one intriguing suggestion. Instead of ceding business, British Gas might have off one or more companies controlling the threatened 50 per cent share of the industrial market and either give them to shareholders or sell them to new investors for their benefit.

Mr Turner recommends a series of such companies, each starting with a modest stake in the market, supply contracts and freedom to compete with its former parent. That sounds too complex, though distributing the shares among 2.2 million British Gas investors would do wonders for deeper share ownership. Robert Evans, chairman of British Gas, does not plan to run this idea up the corporate flagpole. If not, he should recall his pre-Christmas musings about creating more shareholder value and come up with something better.

# Pouring British sense of fair play into continental takeover tactics

The battle for Perrier involving Nestlé and the Agnelli family highlights a flawed bidding system, says Wolfgang Münchau

The most extraordinary aspect of Nestlé's takeover bid for Perrier, the French mineral water company, is not the bid itself but the circumstances in which it arose.

The FFFr13.5 billion bid, which is supported by Indosuez, the merchant banking unit of CIE de Suez, is a refreshing alternative to the normally secretive, indirect and complicated ways in which takeovers in France are normally conducted. This is not least because Nestlé and Indosuez have taken the unusual step of making a straightforward cash bid for 100 per cent of Perrier's capital.

Such straightforwardness has never been the norm anywhere on the Continent. While Anglo-Saxons are generally bemused at continental backwoodsmanhood in financial matters, the concept of a simple hostile foreign bid for the whole of a company's share capital is novel for the continentals.

Nestlé's bid is a response to the extraordinary tactics employed by Gianni Agnelli, president of Fiat and head of one of Italy's most powerful families, which has also set eyes on Perrier and the wider French food and drinks business.

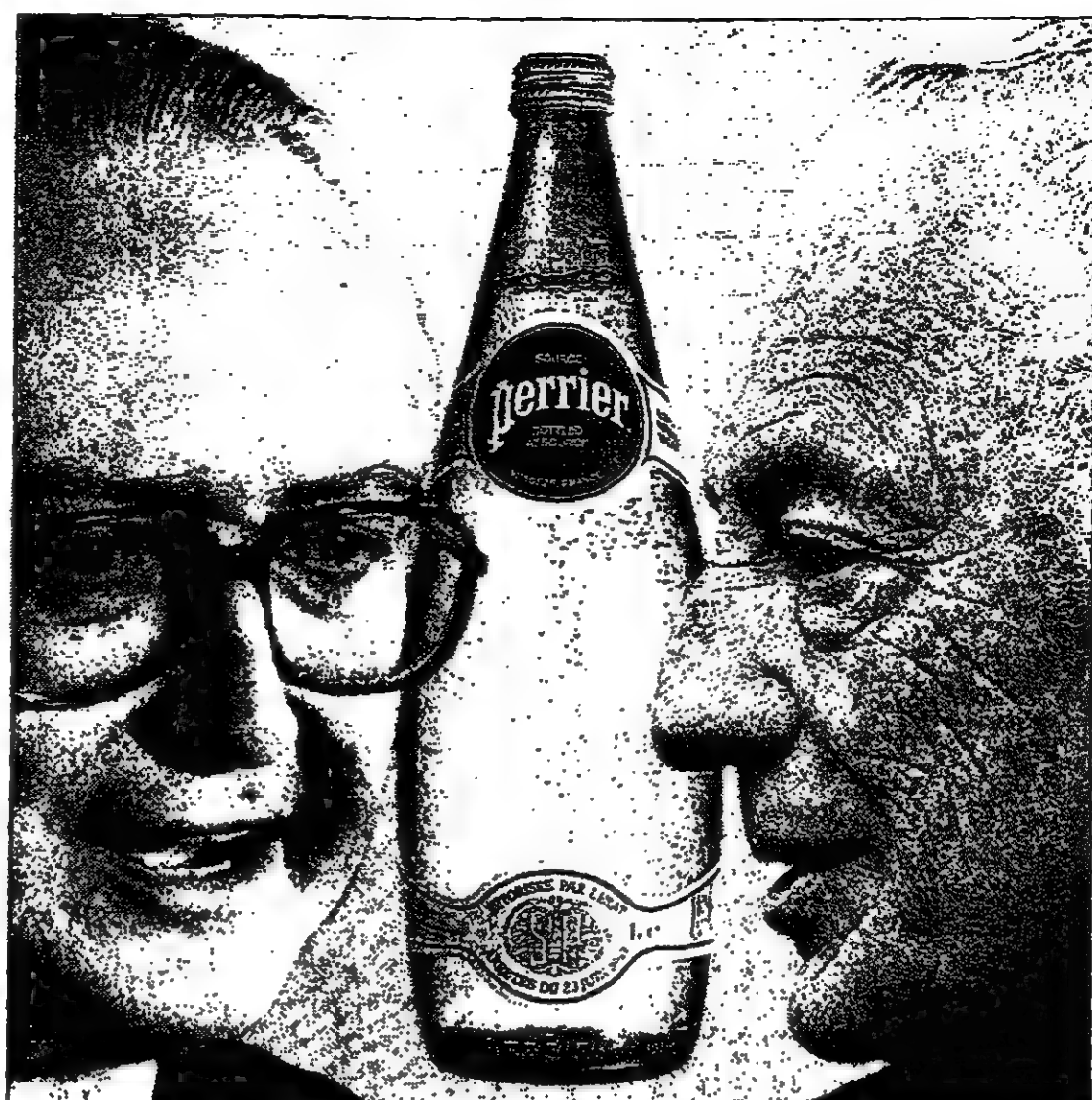
However, those tactics, ingenious though they may have seemed, have backfired, thanks largely to unforeseen opposition by the Conseil des Bourses de Valeurs (CBV), the French stock market regulator. Instead of bidding for Perrier, the Agnelli bid has been reduced to a minority stake in Perrier.

The CBV's preliminary judgment that Exor and a group of supporting shareholders might constitute a concert party. That raised the prospect of Exor having to bid for two thirds of Perrier, a situation the Agnelli had hoped to avoid at all costs.

Nestlé thus entered the battle with its FFfr4.75 a share offer. While Nestlé's bid beats anything the Agnelli have put on offer by a wide margin, analysts point out that even at that price, Perrier is valued rather modestly, a thought that reflects the audacity of the Agnelli's original approach.

Nestlé's move may not mark the end of the game in the Perrier saga, and a counterbid, possibly from the Agnelli, could still emerge. However, Nestlé appears to have made all the right moves so far, most notably when it agreed to sell Perrier's Voic mineral water brand to BSN, the food and drinks group. The latter should go a long way to satisfying the European Commission that a Nestlé takeover is not in breach of European competition rules.

The circumstances surrounding Nestlé's bid for Perrier and the



Bursting the bid bubble: Gianni Agnelli (right) faces Helmut Maucher in the battle for Perrier

issues the bid has exposed constitute one of the more visible signs of a slow shift in the attitudes of European regulators and governments. However, the case is only the latest of a number of examples of that change, which is characterised by pressure on convergence towards "best practice".

Optimists hope that the outcome of such convergence will bring conditions on the Continent much closer

**'On the Continent, the process for gaining control of a company has been indirect'**

to takeover and merger regulations in Britain. Even if their hopes come to fruition, the process will be a long and laborious one.

On the Continent, takeovers are rarely simple. Be they German banks, French state-owned conglomerates or Italian dynasties, the process of gaining control has tended to be indirect. The Agnelli bid for Exor is almost a classic textbook case. The takeover attempt often works through minority stakes in a company, which in turn owns a

minority stake in the eventual target. A few more share transactions, coupled with support by "friendly" shareholders, with whom the bidder frequently liaises in other business sectors, finally ensure effective control.

The size of the individual deals are often so small that they go largely unnoticed by the public and the press. The beauty of the system, from the bidder's point of view, is that one can wrest control of another company without paying the full price. The problem is that somebody else will have to stump up the difference, and that unfortunate paymaster is usually the minority shareholder. It is only when powerful banks are cast in that sorry role that pressure for a fairer system emerges. Such was the case with Indosuez, a minority shareholder in Exor.

There exists a misconception in Britain that overregulation is the reason one cannot launch a hostile bid for a German or French company. On the contrary, the real reason lies in the absence of the kind of strict rules that exist in Britain. The two most important set of such rules concern share classification and bid triggering levels.

The classification of shares into voting and non-voting certificates is the financial market equivalent of

apartheid. One of the most absurd cases recently was that of Philips, the Dutch consumer electronics conglomerate, which had almost 300 million shares, but of which only ten carried voting rights.

Another absurdity is the right of management to refuse to register shares, as was the case with Aachener und Münchener Beteiligungs AG, a German insurance company. When Assurances

**'The signs may be shifting, but the big bad barons are firmly entrenched in the system'**

Général de France bought a stake of just over 25 per cent in AMB, AMB's management simply refused to register those shares, effectively disenfranchising a shareholder on the grounds that its intentions may be hostile.

When, in 1989, Nestlé launched a controversial, and eventually successful bid for the Rowntree Mackintosh chocolate company in York, Nestlé was criticised for operating different classes of shares, on the grounds that it was protected

against takeover in a way that Rowntree was not. Helmut Maucher, president of Nestlé, then defended the share *apartheid* system by pointing out that shareholders were free to choose between either type of shares. After all, non-voting shares were cheaper.

The other important regulatory issue concerns the threshold for compulsory bids. Britain has strict rules. France introduced its own rather less strict rules in 1989. In Britain, a shareholding of 30 per cent or more automatically triggers a takeover bid for the whole of the target company. The aim is simply to prevent bidders from gaining simple majority control of their target, leaving minority shareholders lingering on with no say over company policy.

France operates a two-stage system, under which a stake of more than 33.3 per cent triggers a bid for two thirds of the shares, while a stake of just over 50 per cent would trigger a bid for the whole company. While this system is better than regulatory chaos, it affords only limited protection for minority shareholders in the sense that predators can comfortably sit on a 66.6 per cent stake, or pursue a more indirect route.

The Agnelli family, through Ifint, a family holding based in Luxembourg, employed a dual tactic in its effort to win control of Perrier. By exceeding the first bid threshold in its effort to control Exor, Ifint first launched the obligatory bid for two thirds of Exor shares, but subsequently decided to be more generous by bidding for the whole of Exor.

One might suspect, however, that the aim of such generosity was merely to avoid having to bid for Perrier. Exor owns less than 30 per cent of Perrier, but the CBV held out the prospect of Exor being part of a concert party with a joint stake of 49.3 per cent. Apart from Exor, this grouping, which includes two subsidiaries of Société Générale, with a joint 6.8 per cent stake, and Saint Louis, a paper and packing group that recently bought 13.82 per cent of Perrier.

Underlining the concert party theory is the fact that the Agnelli, this time through another Luxembourg holding, recently bought a substantial minority stake in Saint Louis.

A senior British banker in Paris, highly critical of the way the market for corporate control operates in France, sees some signs of a shift in attitudes.

He said: "If the pressure comes, then it will probably come from the regulators, and there is at present an international competition to find the best regulator. The signs may be shifting, but the big bad barons are still firmly entrenched in the system."

So the best hope for change lies with market regulators, such as the CBV, and governments.

If Nestlé's bid succeeds, the French market just might begin to get used to two novel ideas: that shareholders could gain financially from a takeover bid and that the bidder might come from abroad.

## THE TIMES CITY DIARY

### CSFB stirs up the pot

A SHAKE-UP is in progress at CSFB, the securities trading arm of Credit Suisse, which has been keeping quiet after some high level departures last year. Talk in City watering holes is that Patrick de Gentile-Williams, managing director of CSFB (UK), the European equity arm, is on the brink of leaving the firm, barely six months after he was poached from James Capel. A top earner at Capel where, in five years, he ran continental European options market-making and set up a highly profitable division in Paris, joined CSFB to fill a hole left after Nigel Pilkington walked out as head of UK equity sales. A CSFB spokesman admitted yesterday that de Gentile-Williams is considering leaving and that a "reorganisation" is planned for the UK division. "He has not been fired, he has not resigned, but he is considering some other options internally as well as externally," he adds cryptically. Other CSFB losses last year included Richard Brance who had been running the gilts and equities divisions.

### Driving on

NISSAN Motor (GB) is sparing no expense on its UK re-launch in the wake of the split with Octav Bomar. Last week, the German who introduced Japanese cars to Britain in the Sixties, was ordered to remove Nissan logos from his 150 dealerships. To mark the fresh start, his Japanese foes are hosting a gala dinner for 100 guests at Hays Galleria, on the Thames, on



Botnar: split with Nissan

February 6. But the invitations chosen for the occasion may cause eyebrows to be raised. They take the form of two pieces of perspex that slot together and cost at least £1 to produce and almost as much again to post, according to industry experts. But with the event costing about £20,000, why stint on non-bio degradable invitations?

THE DHSS has been reborn in a manner of speaking. Thomas Cook, the travel agency, has formed its own DHSS department. But it has nothing to do with the Department of Health and Social Services, as the renamed DHSS used to be called. Thomas Cook's acronym stands for Dirty, Hot and Sweaty Spots — a package that specialises in trips to Egypt, India, Africa and the Far East.

### Change of stripe

FASHIONABLE City men are warned: broad stripes are out; soft, more subtle stripes are in. So says Alex Finch, chairman of Hilditch & Key, the shirtmaker, who has seen all manner of City types pass

through his Jermyn Street showroom. "Deckchair jobs are a no-go at the moment," says Finch, who should know what he is talking about, selling £1.5 million of shirts in St James's in a good year, but admits sales are down — especially for £100 a piece tailor-made items. Perhaps this is why he has teamed up with the Savoy group of hotels to launch a special offer that may encourage much needed sales all round. Spend a weekend for two at the Savoy, Claridge's or others in London for £237.50 each and two H&K shirts — worth up to £120 between them — will be thrown in.

### Mining Moore

AFTER filling out membership forms for the past two years, Nick Moore, one of the City's more lively commodities analysts, has made it to the top of the pile. Moore, who works for Ord Minnett, the stockbroking arm of Westpac, the Australian bank, has been appointed chairman of the Association of Mining Analysts, taking over from Rob Davies of Lehman International. The AMA, which caters for fund managers and bankers as well as analysts, holds regular meetings with speakers from Anglo American, RTZ, and others in the mining camp. "I have spent the last two years filling out forms as AMA secretary," says Moore, dubbed "Jack" by colleagues for his penchant for Tennessee whiskey. He joined Ord in September 1987, fortuitously ahead of Black Monday. He hands the pen on to Lindsey Falconer of CSFB.

JON ASHWORTH

## BUSINESS LETTERS

### Local benefit principal factor in trust port result

From the Chairman, Tees & Hartlepool Port Authority  
Sir, Mr J.P. Hackney (Plea on trust port assets, January 16) makes the rather pathetic suggestion that nine non-executive directors of the Tees & Hartlepool Port Authority were swayed by the suggestion that one of them might receive a seat on the successful bidder's board.

More significantly, he repeats the "big lie" that em-

ployee ownership was the government's prime objective in the privatisation of the trust ports.

I confirm that local benefit as agreed with government, was the principal factor in our consideration of the competing bids and it was with real sadness that we recognised the relative deficiencies in the plans put forward by the THPA Consortium.

It is with yet greater sad-

ness that we see the same Consortium leaders threaten real damage to the Teesside port, its employees, and the local community through its unwillingness to take defeat honourably.

J.H. PEART,  
Chairman,  
Tees & Hartlepool Port Authority,  
Queens Square,  
Middlesbrough,  
Cleveland.

### Shareholders' key is action not words

From Mr Geoffrey Mills  
Sir, So the Granada institutional shareholders (January 15) yet again "express concern" about yet another bumper payoff to yet another fired chief executive.

And then they complain that there's nothing they can do about it.

In fact, as the shareholders can write the company's articles, can choose a more productive kind of non-executive, can fire directors "before" rather than "after", and can decide not to approve the directors' service contracts in

the first place, they have plenty of courses to follow.

We have had 10-12 years of institutional shareholders complaining about executive excesses, without any effective action of any kind.

It's now time for them to either belt up and accept their supine status, or to exercise the wit and the will to actually "do" something about it.

Yours faithfully,  
GEOFFREY MILLS,  
43 Weststone Close,  
Edgobaston,  
Birmingham.

### Checking sums for the Listening Bank

From Mr J.B. Rolt  
Sir, Conversation with the "Listening Bank".

"I think you told me that our account charges were based on xp per entry less a credit for any balance?"

"That is correct."

"Our most recent charge appears to be based on x plus 32p per entry without credit for balance."

After consulting a file and using a pocket calculator: "I am afraid there has been a mistake and we will refund

£65." To which I respond: "Is it then up to me to check your arithmetic?"

"Yes — the calculations are not done here and I am afraid it is impossible for us to do the checking. But thank you for drawing this error to my attention."

Yours faithfully,  
J.B. ROLT  
(Partner),  
The Bookshelf,  
17 High Street,  
Budleigh Salterton,  
Devon.

### With due respect

From Mrs R. Livermore  
Sir, It was interesting to read what Michael Jordan said about Coopers & Lybrand and how everybody is on first name terms (January 4).

When I worked for Cooper Brothers, as it was then 30 years ago, we called all the partners and managers Mr.

I worked for the tax partner. I was 23 and knew nothing of high finance etc. but found the work very interesting, although I left after three-and-a-half years. Since then, I have realised I must have been working for a man who was a genius in his field. If I was still working for him, with hindsight, not only would I call him Mr but I would bow, on going into his room.

I think Michael Jordan is quite right, we might all be equal nowadays, so they say, but I still think credit should be given where it is due. Let's face it, how many would want the responsibilities of the man at the top let alone be able to do his job. I have worked with quite a few men who had very responsible jobs but I have never called them by their Christian names but then, I am old-fashioned!

Yours faithfully,  
R. LIVERMORE,  
2 Risley Avenue, N17

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FROM REUTER IN TOKYO

**BY KAREN WOOLFSON**

**Cost savings: David Donne, Steetley chairman**

**By MARTIN WALLER**

Robert Napier, the Redland chief executive, returned to the attack after the latest circular. "It is surprising that they should believe that it would enhance Streeley's case to include a letter from Tarmac," he said. "Of course Tarmac is in favour of the joint venture — it benefits Tarmac at Streeley's expense."

These are: increased attractiveness of Nippon Telegraph and Telephone shares, which are held by many individuals; increased disclosure of details of futures trading; setting daily price fluctuation limits on options trade; finding a buyer of last resort for shares being sold by investment trusts; allowing companies to buy their own shares; and allowing brokers to rebalance their

## Cantors slumps at half time

By GILIAN BOWDITCH

He said trading had improved in the third quarter but was still difficult and it was "inevitable" that the outcome for the full year would show a marked reduction on last year's profitability.

**THE TIMES UNIT TRUST INFORMATION SERVICE**

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## New laws will affect British owners of Spanish properties. Diana Wildman advises how to cope with the changes

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During the 11 years, all annual

**Happy punters:** facilities at the Port Bourgenay apartments, above, include the bar, right; outings are paid by guests.

Mr de Leyland Berry says that at a time when the recession seems to be continuing throughout Europe, the idea of buying now, with no annual expenditure for more than a decade, seems attractive. He adds: "Bismarck's ..."

Andrew Saxby, a chartered surveyor and director of Best Gapp, a London agent, has formed a link with Immobilier de Labarre, a local French agency, which has offices in the hill village of La Garde-Freinet, ten miles into the

been converted to a four-bedroom home set in four acres for £180,000, and a three-bedroom house with five acres of land, including a small guest cottage for £140,000. A two-bedroom village house in La Garde-Freinet itself,

The company also sells building plots from \$45,000 for a rural site to £120,000 for a big block near the new golf course at La Maxime. Mr Saxby says that Best Gapp can design, obtain planning permission, build and furnish a home to an owner's specification.

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## MARKET MOVES

### Marepolis deal for consortium

□ The Society of Property Research has launched a survey of foreign organisations located in central London. It asks about the factors influencing property decision-making, particularly on the choice between London and other cities, in order to determine who will occupy London's vacant offices. The new research would provide the beginnings of a database for a better understanding of the market.

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... ..







# Prosecutions may threaten Tideway tradition

By Mike Rosewell  
MOWING CORRESPONDENT

ROWERS who use the Tideway have been told that they will be prosecuted by the Port of London Authority (PLA) if they fail to comply with international regulations concerning the starboard hand, keep right, rule.

The news has shocked one of the country's main rowing centres and the organisers of the Wamey Sculls have already decided to cancel this year's race on March 1. Gary Painter, chairman of the race, says that his committee "is not willing to have the event's safety record compromised by conforming to a law

which is dangerous to oarsmen and other river users".

Historically, anyone rowing against the tide above Putney Bridge would take the shortest route, keeping to the Surrey shore from Putney to Chiswick Steps before crossing to follow the Middlesex bank through to Chiswick Bridge.

Concern about the strict application of rules follows the Marchioness disaster and a further incident when a rowing eight was washed around, where the boat broke up as a result of a speeding vessel.

Proceedings against the master of the vessel were dismissed since the crew was following the accepted row-

ers' route and not the starboard hand rule.

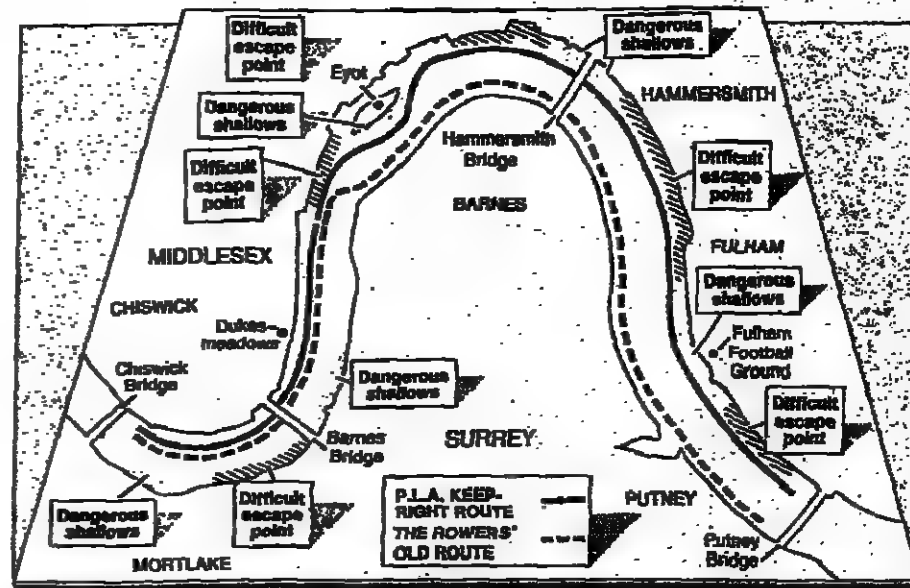
Peter Coni, chairman of Henley Regatta and a member of the Putney-based London Rowing Club, has outlined to the PLA, the River Police, and the Thames Passenger Services Federation the dangers inherent in applying the starboard hand rule above Putney Bridge.

Coni's arguments centre around the possibility of boats grounding at shallow points, now normally avoided, and the difficulties of supervising rowers or getting help to any in distress.

The validity of his submissions was accepted, but it is not up to the PLA to make

changes in its bylaws. That power rests with the Department of Transport, and Coni anticipates "intense opposition" to making any variation in what is otherwise a very simple and universal rule. But, without a change, he sees "absolutely no hope for Tideway rowing" on the "most famous rowing water in the world".

It will be interesting to see whether organisers of other events on the Tideway follow the lead of the Wamey Sculls. The head of the river races for men, women, schools and scullers, are all scheduled for the next two months. Each attracts hundreds of entries from all over Britain, as well as abroad.



Huber's display is highlight on eventful day for women in Australia Open

## Seles applies the brakes in time

FROM ANDREW LONGMORE, TENNIS CORRESPONDENT, IN MELBOURNE

THE hijack of the Australian Open by John McEnroe has largely relegated the women to the back seat over the past few days. But yesterday they forcibly took the wheel, their three quarter-finals providing a feast for all those who like their tennis fast and noisy.

The only disappointment was that Manuela Maleeva-Fragniere was unable to press the accelerator at all. The No. 9 seed had to withdraw with an injured right foot, presenting Arantxa Sanchez Vicario with a walkover into the semi-final.

None of the other matches was easy, though they all went to form and were won in straight sets. Monica Seles, in particular, had a devil of a struggle to suppress Anke Huber, the No. 12 seed. Had the German showed just a fraction more composure at crucial moments, she could have gained revenge for the drubbing she took here last year at the hands of Seles.

Then, she was out-hit and overawed, managing just four games; 12 months on, at the same stage, she ran the defending champion much closer than the scoreline of 7-5, 6-3, would indicate and, in the long run, Seles has more to worry about than Huber. Only one game was won to love, 11 went to deuce as

Huber, at the age of 17 almost exactly a year younger than Seles, traded blows with the top seed and refused to buckle under the ceaseless baseline onslaught.

Huber is learning to live with the best company and, with a little more self-belief, could yet beat Seles before the year is out. "I didn't really think I could beat her before I went out, I just wanted to play a good game," Huber said. And she did.

Only Jennifer Capriati, who was beaten by Gabriela Sabatini yesterday, and Graf on a good day have matched Seles so strongly from the back of the court. Recent defeats by Sabatini, Martina Navratilova and Linda Ferrando, in the third round of the US Open in 1990, the last time she lost in a grand slam, have been inflicted by players willing to get to the net. "That is the only way you can beat her," Huber said. "But it is difficult to get to the net because she hits so hard and uses the angles so well."

The volley count — four won by Huber, three by Seles — was in inverse proportion to the deciding count, which, at times, reached such heights the photographers' lenses seemed in imminent danger of fragmenting. It was not pretty, by any means, but

nobody could argue with the effort or the entertainment. The Yugoslav had six points to take a 5-1 lead in the first set, but Huber saved them all valiantly and gained so much confidence from matching the iron-willed Seles at close quarters she broke back to level at 5-5 before wasting recovery with an unforced error and a double fault.

Huber's last chance to recover came and went in the seventh game of the second set. Seles, ever shaky on her own service, having to save three more break points before emerging the victor, 7-5, 6-3 in an hour and 50 minutes. "Sometimes you just have to slug it out," Seles said. At the moment, there is no better slugger in the game.

Huber's emergence as a genuine rival coincided with the departure of Capriati, the one player widely tipped to match Seles here. The American's first venture to Australia died in a hail of unforced errors, 42 in all. Four in succession at the start of the second-set tie-break effectively ended her challenge to Sabatini, who simply made fewer winners and fewer errors. The scoreline of 6-4, 7-6 duplicated Mary Joe Fernandez's victory over her fellow American, Amy Frazier. The No. 7 seed had to have treatment for an injured toe during the second set, but it should not stop her from facing Sabatini in her third successive Australian Open semi-final.

There was, though, disappointment for Britain in the mixed doubles when the defending champions, Jeremy Bates and Jo Durie, lost their title to Scott Davis and Robyn White, 6-3, 7-6.

Women's singles semi-finals: M. Seles (1) v A. Sanchez Vicario (6); G. Sabatini (5) v J. Fernandez (7).



Holding court: Sabatini swings past Capriati

VOLLEYBALL

## Cup brings best out of Polonia

By Roddy Mackenzie

POLONIA Ealing and Reebok Liverpool City, who met in the final of the Royal Bank of Scotland English Men's Cup last season, will again be in opposition in the semi-finals this year.

Polonia, the holders, put on one of their best displays of the season to beat Newcastle (Staffs) in last weekend's quarter-finals. The London club's cup success this season has not been matched by their form in the league's first division, in which they lie only seventh. "We're not good enough to sit back and just expect results to happen," Jurek Jankowski, their captain, said. "But we've found out things about ourselves in recent weeks and last Saturday was really the first time we got our act together as a team."

"The Liverpool semi-final will be difficult as they seem to be our bogey team. The result of last year's final will be enough motivation for

them but we will also be motivated to reach the final again."

Liverpool continued their fine recent cup tradition by beating Wexham away from home in their quarter-final to join Team Mizzima Malaya and Speedwell Racemor in the last four.

In next month's women's semi-finals Britanna Music, the holders, will be at home to Southgate and Trafford will receive Woolwich Britanna. Southgate came from two sets down to defeat Ashcombe Dorking, to earn their place at Britanna.

CUP: Quarter-finals: Mizzima Malaya v Wexham, 15-13, 15-13, 15-13; Liverpool City v Newcastle (Staffs), 15-13, 15-13, 15-13; Britanna Music v Ashcombe Dorking, 15-13, 15-13, 15-13; Woolwich Britanna v Trafford, 15-13, 15-13, 15-13. Semi-finals: Britanna Music v Liverpool City, 15-13, 15-13, 15-13; Wexham v Ashcombe Dorking, 15-13, 15-13, 15-13. Final: Britanna Music v Liverpool City, 15-13, 15-13, 15-13.

SNOOKER

## Thorne ends drought

WILLIE Thorne reached the quarter-finals of a ranking event for the first time in 22 attempts when he beat John Parrott, the world and UK champion, 5-3, at the £180,000 Asian Open in Bangkok last night (Phil Yates writes).

Thorne, the world No. 17, led 3-0, but Parrott, hand-capped by shivering spells and what he described as the "Thai equivalent of Delhi belly", compiled breaks of 89 and 38 to win the next two frames. However, Thorne prevailed with a fortunate cross-double

cum safety shot on the black in the sixth frame and a 75 break in the eighth.

Thorne, who meets Denis O'Kane of New Zealand, tomorrow, said: "I've been close to playing well for a number of months. Before that I had two years of purgatory in my life with financial problems."

Alan McManus celebrated his 21st birthday with a 5-3 victory over Mark Bennett.

RACING

## Maguire stripped of six winners

ADRIAN Maguire was yesterday stripped of six winners and six places by the Jockey Club for riding with the incorrect weight.

The 20-year-old Irishman claimed a 3lb riding allowance to which he was not entitled in 12 races between December 30 and January 4.

The outcome of yesterday's enquiry appeared a formality after owner Geoff Hubbard and trainer Ferlie Murphy, responsible for three of the winners, admitted that the Jockey Club appeared to be correct in its assessment that Maguire was not entitled to claim.

Murphy and Hubbard, who will lose almost £20,000 in prize-money, had forced a postponement of the hearing after originally disputing the Jockey Club calculations.

Maguire and his employer, the trainer Toby Balding, escaped any further punishment at the hearing.

"It went very much as expected. We had a very forthright discussion, but were prepared to admit that the responsibility is on our side of the table," Balding said.

Maguire, who will lose 10 per cent of £26,000 in prize-money, said: "It could have been a lot worse."

Included among the disqualified horses are Murphy's and Hubbard's Sandown winners, Emcee-H, On The Twist and Notary-Nowell, who gave Maguire his first treble.

After the enquiry, Maguire dashed off to Chesham where he was compensated by riding a winner, Three Lakes, in the Fledgling Conditional Jockeys Selling Hurdle.

## French hope may return for National

OKLAOMA II, the French chaser who ran well for a long way in last year's Grand National before being pulled up, may have another crack at the race on April 4.

His trainer Roland Kleppisch said: "We have again entered Oklaoma II for Aintree, but we will also want to plan some suitable prep races."

The French handler continued: "Oklaoma II is currently enjoying a winter break at the baie du Mont Saint Michel and, like last year, we are on the look-out for a sponsor."

Alan Bailey is set to take the high road after a 90-1 double at Lingfield yesterday with Beechwood Cottage and Princess Roxanne. The Newmarket trainer moves to Scotland next month to share Tommy Craig's yard at Dunbar near Edinburgh.

## European Law Report

# EEA courts would conflict with foundations of Community

Luxembourg

Opinion on the draft agreement relating to the creation of a European Economic Area (EEA) (Opinion 1/91).

Before O. Duij, President and Judges G. F. Mancini, J. C. Moynihan de Almeida, G. C. Rodriguez Iglesias, M. Diez de Velasco, Sir Gordon Slynn, C. N. Kakouris, R. J. Collet, F. A. Schockweiler, M. Zuleski, M. Grévisse, P. J. G. Kapteyn and J. L. Murray (Opinion December 14).

In so far as it conditioned the future interpretation of the Community rules on free movement and competition, the machinery of courts provided for in the draft agreement for the creation of a European Economic Area (EEA) conflicted with article 164 of the EEC Treaty and, more generally, with the very foundations of the Community.

The Court of Justice of the European Communities so held in giving its opinion on the compatibility of the proposed draft agreement with the EEC Treaty in response to a request made by the Commission.

The purpose of the proposed agreement was to create a European Economic Area covering the territories of the member states of the Community and those of the EFTA countries.

According to the preamble to the agreement the contracting parties envisaged the establishment of a dynamic and homogeneous European Economic Area, based on common rules and equal conditions of competition, and provided for adequate means of enforcement, *inter alia* at the judicial level.

The rules which were to apply in relations between the states making up the EEA covered the free movement of goods, persons, services and capital, and competition. Essentially, the rules were those laid down in the corresponding provisions of the EEC and ECSC Treaties and in measures adopted pursuant thereto.

The aim of homogeneity in the interpretation and application of the law in the EEA was specified in article 1 of the agreement to be secured through the use of provisions which were textually identical with the corresponding provisions of Community law and through the establishment of a system of courts.

The agreement provided for the setting up of an EEA Court, to which the Court of First Instance was to be attached. The jurisdiction of the EEA Court was defined in article 96(1) of

the agreement. It covered the settlement of disputes between the contracting parties, actions concerning the maintenance procedure regarding the EFTA states and, in the field of competition, appeals concerning decisions taken by the EFTA surveillance authority.

Article 6 of the agreement provided that, for the purposes of their implementation and application, the provisions of agreements were to be interpreted in conformity with rulings of the Court of Justice on the corresponding provisions of the EEC Treaty, the ECSC Treaty and measures of Community secondary legislation which were given prior to the date of signature of the agreement.

Article 104(1) of the agreement provided that, when applying or interpreting the provisions of the agreement or provisions of the EEC and ECSC Treaties, as amended or supplemented, or of Acts adopted in pursuance thereof, the Court of Justice, the EEA Court, the Court of First Instance and the Courts of the EFTA States were to pay due account to the principles laid down in decisions delivered by the other courts in order to ensure as uniform as possible an interpretation of the agreement.

Article 95 of the agreement provided that the EEA Court was to be composed of eight judges, including five from the Court of Justice. According to article 101, the EEA Court of First Instance was to be composed of five judges, three nominated by the EFTA states and two judges of the Court of First Instance of the European Communities.

Protocol 34 to which article 104(2) of the agreement referred, contained provisions under which the EFTA states might authorise their courts and tribunals to ask the Court of Justice to express itself on the interpretation of a provision of the agreement.

In its Opinion the European Court of Justice, having heard the advocates-general, ruled as follows:

Objectives of the agreement. With regard to the comparison of the objectives of the provisions of the agreement and those of Community law, it had to be observed that the agreement was concerned with the application of rules on free trade and competition in economic and commercial relations among the contracting parties.

In contrast, as far as the Community was concerned, the rules on free trade

and competition, which the agreement sought to extend to the whole territory of the contracting parties, had developed and formed part of the Community legal order, the objectives of which went beyond that of the agreement.

The EEA Treaty aimed to achieve economic integration leading to the establishment of an internal market and economic and monetary union. Article 1 of the Single European Act made it clear, moreover, that the objective of all the Community treaties was to contribute together to making concrete progress towards European unity.

It followed from the foregoing that the provisions of the EEC Treaty on free movement and competition, far from being an end in themselves, were only means for attaining those objectives.

The EEA was to be established on the basis of an international treaty which, essentially, merely created rights and obligations as between the contracting parties and provided for no transfer of sovereign rights to the inter-governmental institutions which it set up.

In contrast, the EEC Treaty, albeit concluded in the form of an international agreement, none the less constituted the constitutional charter of a Community based on the rule of law. As the Court of Justice had consistently held, the Community treaties established a new legal order for the benefit of which the states had limited their sovereign rights, in ever wider fields, and the subjects of which comprised not only member states but also their nationals.

The essential characteristics of the Community legal order which had thus been established were in particular its primacy over the law of member states and the direct effect of a whole series of provisions which were applicable to their nationals and to the member states themselves.

It followed that the divergences which existed between the aims and content of the agreement, on the one hand, and the aims and content of Community law, on the other, stood in the way of the achievement of the objective of homogeneity in the interpretation and application of the law in the EEA.

It was in the light of the contradiction which had just been identified that it had to be considered whether the proposed system of courts might undermine the autonomy of the

Community legal order in pursuing its own particular objectives.

Jurisdiction of the EEA Court. The EEA Court had jurisdiction under article 96(1) of the agreement with regard to the settlement of disputes between the contracting parties.

The expression "contracting parties" was defined in article 2(c) of the agreement. As far as the Community and its member states were concerned, it covered the Community and the member states, or the Community, or the member states, depending on the case.

That meant that, when a dispute relating to the interpretation or application of one or more provisions of the agreement was brought before it, the EEA Court might be called upon to interpret the expression "contracting party" and, consequently, that Court would have to rule on the respective competences of the Community and member states as to the matters governed by the provisions of the agreement.

It followed that the jurisdiction conferred on the EEA Court would be likely to affect adversely the allocation of responsibilities defined in the Treaties and, hence, the autonomy of the Community legal order, respect for which had to be assured by the Court of Justice pursuant to article 164 of the EEC Treaty.

That exclusive jurisdiction of the Court of Justice was confirmed by article 219 of the EEC Treaty, under which member states undertook not to submit a dispute concerning the interpretation or application of that Treaty to any method of settlement other than those provided for in the Treaty.

Effect of international agreements. International agreements concluded by means of the procedure set out in article 228 of the Treaty were binding on the institutions of the Community and its member states and, as the Court of Justice had consistently held, the provisions of such agreements and the measures adopted by institutions set up by such agreements became an integral part of the Community legal order.

The agreement in question was an act of one of the institutions of the Community within the meaning of article 177 of the EEC Treaty and therefore the Court had jurisdiction to give preliminary rulings on its interpretation.

It also had jurisdiction to rule on the

agreement in the event that member states of the Community failed to fulfil their obligations under the agreement.

Where, however, an international agreement provided for its own system of courts, including a court with jurisdiction to settle disputes between the contracting parties to the agreement, and, as a result, to interpret its provisions, the decisions of that court would be binding on the Community institutions, including the Court of Justice.

Those decisions would also be binding in the event that the Court of Justice was called upon to rule, by way of preliminary ruling or in a direction action, on the interpretation of the international agreement, in so far as that agreement was an integral part of the Community legal order.

An international agreement providing for such a system of courts was in principle compatible with Community law. The Community's competence in the field of international agreements necessarily entailed the power to submit to the decisions of a court which was created or designated by such an agreement as to the interpretation and application of its provisions.

However, the agreement of issue took over an essential part of the rules, including the rules of secondary legislation, which governed economic and trading relations within the Community and which constituted, for the most part, fundamental provisions of the Community legal order.

Consequently, the agreement had the effect of introducing into the Community legal order a large body of legal rules which was juxtaposed to a corpus of identically worded Community rules.

Furthermore, the objective of uniform application and equality of conditions of competition necessarily covered the interpretation both of the provisions of the agreement and of the corresponding provisions of the Community legal order.

Although the EEA Court was under a duty to interpret the provisions of the agreement in the light of the relevant rulings of the Court of Justice given prior to the date of signature of the agreement, the EEA Court would not be subject to any such obligation in the case of decisions given by the Court of Justice after that date.

Consequently, the agreement's objective of ensuring homogeneity of the law throughout the EEA would determine not only the interpretation of the rules of the agreement itself but also

the interpretation of the corresponding rules of Community law.

It followed that in so far as it conditioned the future interpretation of the Community rules on free movement and competition, the machinery of courts provided for in the agreement conflicted with article 164 of the EEC Treaty and, more generally, with the very foundations of the Community.

Composition of the EEA Courts. The threat posed by the court system set up by the agreement to the autonomy of the Community legal order was not reduced by the fact that judges from the Court of Justice were to sit on the EEA Court and in its chambers, and that judges from the Community's Court of First Instance were to sit on the EEA Court of First Instance.

On the contrary, it was to be feared that the application of those provisions would accentuate the general problems arising from the court system to be set up by the agreement.

Depending on whether they were sitting on the Court of Justice or on the EEA Court, the judges of the Court of Justice who were members of the EEA Court would have to apply and interpret the same provisions but using different approaches, methods and concepts in order to take account of the nature of each Treaty and of its particular objectives.

In those circumstances, it would be very difficult, if not impossible, for those judges, when sitting in the Court of Justice, to tackle questions with completely open minds where they had taken part in determining those questions as members of the EEA Court. References from courts in EFTA states.

Under article 1 of Protocol 34, when a question of interpretation of provisions of the agreement which were identical in substance to the provisions of the Community Treaties arose in a case pending before a court or tribunal of an EFTA state, the court or tribunal might, if it considered it necessary, ask the Court of Justice to express itself on the question.

Article 2 of Protocol 34 provided that an EFTA state which intended to make use of that protocol was to notify the Depositary of the agreement and the Court of Justice to what extent and according to what modalities the protocol was to apply to its courts and tribunals.

Accordingly, that procedure was characterised by the fact that it left the EFTA state free to authorise or not to

authorise their courts or tribunals to refer questions of the Court of Justice and did not make such a reference obligatory in the case of courts of last instance in those states.

Furthermore, there was no guarantee that the answers given by the Court of Justice in such proceedings would be binding on the courts making the reference.

It was unacceptable that the answers which the Court of Justice gave to the courts and tribunals in the EFTA states were to be purely advisory and without any binding effect.

Such a situation would change the nature of the function of the Court of Justice as it was conceived by the EEC Treaty, namely that of a court whose judgments were binding. Even in the specific case of article 228, the opinion given by the Court of Justice had the binding effect stipulated in that article.

Furthermore, the interpretation of the agreement provided by the Court of Justice in response to questions put by courts and tribunals in EFTA states also had to be taken into account by courts in member states of the Community when they had to rule on the application of the agreement.

However, the fact that the answers were not binding on the EFTA courts might give rise to uncertainty about their legal value for courts in member states of the Community.

Finally, the possibility could not be ruled out that courts in the member states would be led to consider that the non-binding effect of interpretations given by the Court of Justice under Protocol 34 also extended to judgments given by the Court of Justice under article 177 of the EEC Treaty.

To that extent, the machinery in question would have an adverse impact on legal certainty which was essential for the proper operation of the preliminary rulings procedure.

It followed from the above considerations that article 104(2) of the agreement and Protocol 34 thereto were incompatible with Community law in so far as they did not guarantee that the answers which the Court of Justice might be called upon to give pursuant to the protocol would have a binding effect.

In conclusion, the European Court gave the following opinion: The system of judicial supervision which the agreement proposed to set up was incompatible with the Treaty establishing the European Economic Community.











# Forest have history on their side in replay with Palace

## Director issues player warning

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